

Escalation Flow Chart and Scripts for Parents

Escalation Flow Chart

Level 1: Direct Communication with IEP Team

Timeline: Immediate to 2 weeks

- Meet with case manager/special education teacher
- Request additional IEP team meeting
- Document all conversations in writing

↓ *If no resolution*

Level 2: Building Administration

Timeline: 2-4 weeks

- Contact Special Education Coordinator
- Meet with Principal/Assistant Principal
- Request mediation through district

↓ *If no resolution*

Level 3: District Level

Timeline: 4-6 weeks

- Contact District Special Education Director
- File formal complaint with district
- Request independent educational evaluation (IEE)

↓ *If no resolution*

Level 4: State Level - Administrative Options

Timeline: 6-8 weeks

- File state complaint with Department of Education
- Contact disability rights organizations
- Request independent facilitated IEP meeting

↓ *Choose appropriate path based on issue type*

Level 5A: Due Process Hearing Request

Timeline: 2-6 weeks to file, 45-75 days to hearing

- File due process complaint with state/district
- Participate in mandatory resolution session
- Proceed to impartial hearing if needed
- *Use for: FAPE denials, placement disputes, major service disagreements*

Level 5B: State Complaint Process

Timeline: 60 days for resolution

- Continue with formal state complaint
- Await state investigation and findings
- Implement corrective action plan if violations found
- *Use for: Procedural violations, systemic issues, implementation failures*

↓ *If no resolution*

Level 6: Legal Action

Timeline: Variable

- Consult with special education attorney
 - File federal lawsuit under IDEA Section 1983
 - Consider civil rights violations (Section 504, ADA)
 - Appeal due process decision to federal court
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Due Process vs. State Complaint: Choosing the Right Path

When to File Due Process

Best for disputes about:

- Denial of FAPE (Free Appropriate Public Education)
- IEP content disagreements
- Placement decisions
- Evaluation disputes
- Need for compensatory services
- Prospective relief (future services)

Key Features:

- Formal legal proceeding with hearing officer
- Mandatory 30-day resolution period
- Can result in compensatory education
- May include attorney fees if you prevail
- Faster timeline (45-75 days total)

When to File State Complaint

Best for disputes about:

- Procedural violations
- Failure to implement existing IEP
- Systemic district problems
- Timeline violations
- Failure to provide prior written notice

Key Features:

- Administrative investigation by state
- 60-day resolution timeline
- Results in corrective action plan
- No attorney fees available
- Good for widespread issues

Dual Filing Strategy

You can file both simultaneously when:

- Procedural violations led to FAPE denial
 - Systemic issues affect individual student
 - Want both corrective action and compensatory services
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Due Process Hearing Timeline and Process

Pre-Hearing Phase (30-45 days)

1. **File Due Process Complaint** (Day 1)
2. **District Response** (Within 10 days)
3. **Resolution Session** (Within 15 days, lasts 30 days unless waived)
4. **Discovery Period** (Exchange documents, witness lists)
5. **Pre-Hearing Conference** (Optional, to discuss procedures)

Hearing Phase (45-75 days from filing)

1. **Opening Statements**
2. **Parent's Case** (Present evidence, witness testimony)
3. **District's Case** (District presents defense)
4. **Closing Arguments**
5. **Written Decision** (Within 45 days of hearing)

Post-Hearing

1. **Implementation of Decision** (Immediate)
 2. **Appeal Rights** (120 days to federal court)
 3. **Attorney Fees Motion** (Within 90 days if prevailing)
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Communication Scripts

Level 1: Initial Team Meeting Request

Email Template:

Subject: Request for IEP Team Meeting - [Child's Name]

Dear [Case Manager/Teacher Name],

I am writing to request an IEP team meeting to discuss concerns regarding my child [Name]'s current IEP implementation. Specifically, I would like to address:

- [Specific concern 1]
- [Specific concern 2]
- [Specific concern 3]

I believe these issues are impacting [Name]'s ability to receive a free appropriate public education (FAPE). Please let me know your availability for a meeting within the next two weeks.

I look forward to working collaboratively to resolve these concerns.

Best regards,
[Your Name]
[Date]

During the Meeting:

- "I appreciate everyone taking the time to meet. My primary concern is ensuring [Name] receives the appropriate services outlined in their IEP."
- "Can you help me understand why [specific service/accommodation] isn't being implemented as written?"
- "What steps can we take to ensure consistency in [specific area of concern]?"
- "I'd like to document our discussion and any agreed-upon changes in writing."

Level 2: Escalation to Administration

Email Template:

Subject: Unresolved IEP Implementation Issues - Request for Administrative Support

Dear [Administrator Name],

I am the parent of [Child's Name], a student receiving special education services. Despite meeting with the IEP team on [date], we have been unable to resolve significant concerns regarding my child's IEP implementation.

The unresolved issues include:
- [Issue 1 with brief description]

- [Issue 2 with brief description]
- [Issue 3 with brief description]

These concerns directly impact my child's right to FAPE under IDEA. I am requesting your intervention to help resolve these matters and ensure compliance with the IEP.

I am available to meet at your convenience and would appreciate a response within 5 business days.

Respectfully,
[Your Name]
[Contact Information]

Phone Script: "Hello, this is [Your Name], parent of [Child's Name]. I'm calling because we've had ongoing issues with IEP implementation that haven't been resolved at the team level. I need administrative support to ensure my child receives the services legally required under their IEP. When would be a good time to discuss this?"

Level 3: District Level Communication

Formal Complaint Letter Template:

[Date]

[District Special Education Director Name]
[District Address]

RE: Formal Complaint - Violation of IDEA
Student: [Child's Full Name]
DOB: [Date]
School: [School Name]

Dear [Director Name],

I am filing this formal complaint regarding violations of the Individuals with Disabilities Education Act (IDEA) concerning my child, [Name]. Despite multiple attempts to resolve these issues at the school level, the following violations continue:

1. ****Failure to Implement IEP Services****
 - Specific services not provided: [list]
 - Dates of missed services: [dates]
 - Documentation: [reference attached documents]
2. ****Failure to Provide Appropriate Accommodations****
 - Missing accommodations: [list]
 - Impact on student: [describe]
3. ****Procedural Violations****
 - [Describe any procedural issues]

I am requesting:

- Immediate implementation of all IEP services and accommodations
- Compensatory services for missed instruction
- Staff training on IEP implementation
- Written plan for ongoing compliance monitoring

I request a written response within 15 business days and a meeting to discuss resolution.

Sincerely,

[Your Signature]

[Your Printed Name]

Level 5A: Due Process Hearing Request

Due Process Complaint Letter Template:

[Date]

[Hearing Officer/State Agency]

[Address]

RE: Request for Due Process Hearing Under IDEA

Student: [Child's Full Name]

DOB: [Date of Birth]

District: [School District Name]

Parent: [Your Name]

Dear Hearing Officer,

I am requesting a due process hearing under the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(f), regarding the above-named student.

****Nature of the Problem:****

The school district has [denied/failed to provide] a free appropriate public education (FAPE) to my child by:

- [Specific allegation 1 with dates]
- [Specific allegation 2 with dates]
- [Specific allegation 3 with dates]

****Facts Supporting the Request:****

[Provide chronological narrative of events, including dates, meetings, and communications that led to this request]

****Proposed Resolution:****

I am requesting that the hearing officer order the district to:

- [Specific remedy 1]
- [Specific remedy 2]
- [Compensatory services/education]
- [Prospective relief]

****Prior Attempts at Resolution:****

[Describe meetings, communications, and other attempts to resolve]

I respectfully request that this matter be scheduled for hearing at your earliest convenience.

Sincerely,

[Your Signature]

[Your Printed Name]

[Contact Information]

Resolution Session Preparation Script: "I appreciate the district's willingness to meet before the hearing. My goal remains ensuring [Child's Name] receives appropriate services. I'm open to discussing solutions, but I need to see concrete commitments with timelines. Can we talk about specific ways to address [primary concern]?"

Level 5B: State Complaint Process

State Complaint Letter:

[Date]

[State Department of Education - Special Education Division]

[Address]

RE: State Complaint Under IDEA

Student: [Child's Name]

District: [District Name]

Complaint Date: [Date]

To Whom It May Concern:

I am filing this complaint under 34 CFR §300.151 regarding violations of IDEA by [District Name]. The violations occurred between [date range] and continue to impact my child's educational program.

****Violation 1: Denial of FAPE****

- Facts: [Detailed description]
- Legal basis: [Relevant IDEA provision]
- Evidence: [List attached documents]

****Violation 2: [Additional violations as applicable]****

****Relief Requested:****

- Compensatory education services
- Corrective action plan
- Staff training
- Independent educational evaluation at district expense

I have attempted to resolve these issues through [describe previous attempts]. Attached are copies of all relevant correspondence and documentation.

Respectfully submitted,
[Your Name]
[Contact Information]

Key Documentation to Maintain

Essential Records

- All IEP documents and amendments
- Progress reports and grades
- Email correspondence with school staff
- Meeting notes and attendance records
- Work samples showing lack of progress
- Medical/therapeutic reports
- Independent evaluations

Communication Log Template

Keep notes with the following information

- Date
 - Contact Person
 - Method of Communication
 - Topic Discussed
 - Outcome
 - Follow-up Needed
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Advocacy Strategies

Before Each Meeting

- Review current IEP thoroughly
- Prepare specific questions and concerns
- Gather supporting documentation
- Bring an advocate or supportive person
- Know your child's rights under IDEA

During Meetings

- Stay focused on your child's needs
- Ask for clarification when needed
- Request breaks if emotions run high
- Take detailed notes
- Don't sign anything you don't agree with

After Meetings

- Send follow-up email summarizing discussion
 - Request written documentation of any agreements
 - Set deadlines for implementation
 - Schedule follow-up meetings if needed
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Know Your Rights

Parent Rights Under IDEA

- Right to participate in all IEP decisions
- Right to request IEP team meetings
- Right to independent educational evaluation
- Right to prior written notice of changes
- Right to mediation and due process
- Right to have child remain in current placement during disputes

Timeline Requirements

- Schools must respond to evaluation requests within reasonable time
 - IEP meetings must occur within 30 days of determining need
 - **Due process complaints must be filed within 2 years of when parent knew or should have known of the violation**
 - **Resolution sessions must occur within 15 days of filing due process complaint**
 - **Due process hearings must conclude within 45 days of end of resolution period**
 - State complaints must be resolved within 60 days
 - Due process hearings have specific timelines by state
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Resources and Support

National Organizations

- **Parent Training and Information Centers (PTI)**
- **Community Parent Resource Centers**
- **Disability Rights Organizations**
- **Council of Parent Attorneys and Advocates (COPAA)**

Documentation Tools

- **IEP meeting recording (check state laws)**
- **Progress monitoring apps**
- **Communication tracking systems**

When to Seek Legal Help

- Multiple unresolved IDEA violations
 - Retaliation against your child
 - Significant regression in your child's progress
 - Denial of appropriate services
 - Complex legal issues beyond advocacy
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Sample Phrases for Difficult Conversations

Staying Collaborative

- "I want to work together to find a solution that works for everyone."
- "Help me understand the school's perspective on this issue."
- "What would it take to make this accommodation work?"

Asserting Rights Respectfully

- "My child has the right to receive the services outlined in their IEP."
- "I need to see this documented in writing."
- "Let's refer back to what the IEP actually says about this."

When You Need to Escalate

- "I appreciate your efforts, but we need additional support to resolve this."
- "I'll need to involve [next level administrator] if we can't find a solution."
- "I want to document that this issue remains unresolved."

Requesting Specifics

- "Can you give me a specific timeline for when this will be implemented?"
- "Who will be responsible for ensuring this happens?"
- "How will we measure whether this is working?"

Remember: The goal is always to work collaboratively when possible, but parents must be prepared to advocate firmly for their child's rights when necessary.