



## Complaint Assistance IEP Meeting Fact Sheet

The federal Individuals with Disabilities Education Act (IDEA) 2004 and recent state special education rules have new requirements in regards to alternative dispute resolution options available for parents and schools who are in disagreement. Those new requirements expand the menu of dispute resolution options at the local level, and are meant as a way for both parties to avoid higher and more costly levels of dispute resolution, which may only keep the student from getting appropriate educational services for some time and will also escalate the adversarial situation. One of these options is called the **Complaint Assistance IEP (CAIEP) meeting**.

### What is a Complaint Assistance IEP Meeting?

A Complaint Assistance IEP (CAIEP) meeting is an IEP meeting that is facilitated by the representative of the public agency who directs special education programs within the public agency, and who has decision-making authority on behalf of such agency. This special type of IEP meeting is intended to provide parents with an opportunity to discuss disputed IEP-related matters, and to provide the public agency with an opportunity to address and resolve their concerns.

### How Do You Request a CAIEP Meeting?

Parents can contact the district or charter school's director of special education and request a CAIEP meeting—that is, one that is facilitated by the special education director—at any time. However, once parents file a formal state-level complaint certain requirements apply.

### What are Those Requirements?

Once a state-level complaint has been filed, the responding public agency must offer to convene a CAIEP meeting with the parents and relevant members of the IEP team. The public agency must offer in writing to convene a CAIEP meeting to address IEP-related issues raised in the complaint. The parents may accept or decline this offer, or the parents and the public agency may jointly agree in writing to convene a facilitated IEP meeting or mediation instead. (See the *Facilitated IEP Meeting and Mediation Fact Sheets*) The public agency must notify the State within 1 business day of their joint agreement to convene (or not to convene) a CAIEP meeting.

If the parties agree to convene a CAIEP meeting, the following requirements apply:

- ✓ It must take place within **14 days** of the date of the State's written acknowledgement of the formal complaint.
- ✓ It must include the relevant members of the IEP team who have specific knowledge of the facts identified in the complaint.
- ✓ It may not include an attorney of the public agency unless the parent is accompanied by an attorney.

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If you have questions about Complaint Assistance IEP meetings, please contact your district's or charter school's director of special education. You may also call the New Mexico Public Education Department's Special Education Bureau at 827-1457. Ask to speak to the Parent Liaison or the ADR coordinator.