

**EARLY STEPS
COMPARISON OF MEDIATION, COMPLAINTS AND DUE PROCESS HEARINGS**

| MEDIATION | COMPLAINT | HEARING |
|---|---|--|
| Informal process | Investigative process | Formal legal proceeding |
| Parents and early intervention staff speak for themselves | Parents and early intervention staff speak for themselves | Attorneys speak for the parties |
| Settlement is voluntary | Lead agency imposes a decision on the parties | Hearing officer imposes a decision on the parties |
| Parties shape their own agreement; flexible, creative, "custom fit" solutions result | Lead agency determines the facts, conclusions, and requires corrective action | Hearing officer determines the facts and imposes a solution |
| Cooperative problem solving between the parties is encouraged | Review of facts and data by lead agency - little cooperation between the parties | Tension and hostility between parties may be increased as they are cast in adversarial positions |
| Scheduled in 21 days Lasts a few hours | Lasts 60 days | Scheduled in 30 days May last 1-3 days |
| Discussion allows participants to focus on planning the child's future early intervention services together | Focus on determination of whether there have been violations of law or regulation | Evidence and testimony are presented as the basis for a decision about the child's early intervention services |
| Facilitated discussion and problem-solving between parties | Lead agency offers technical assistance | Parties are subject to cross examination |
| Little preparation is required | Moderate preparation is required | Extensive preparation is required |
| Cost is minimal | Cost is moderate (response to inquiry, provision of documents, etc.) | Costs are extensive (preparation, representation, expert witnesses, days at hearing) |
| Mediators encourage understanding and a working relationship | Lead agency encourages negotiation and conciliation | Little attention is paid to the parties' relationship |