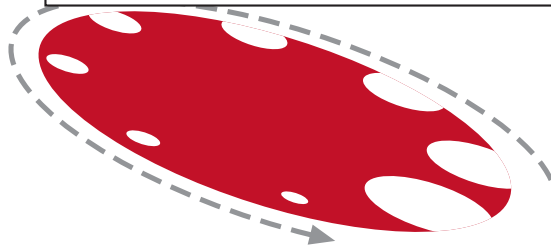




**CADRE**  
Consortium for Appropriate Dispute  
Resolution in Special Education



# *National Dispute Resolution Use and Effectiveness Study*

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FOR:

*The National Association of State Directors  
of Special Education (NASDSE)*

THROUGH A SUBCONTRACT WITH:

*The Consortium for Appropriate Dispute Resolution  
in Special Education (CADRE)*

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# *National Dispute Resolution Use and Effectiveness Study*

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**CADRE**

*Helping Parents and Educators  
Create Solutions That Improve Results  
for Students with Disabilities*

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## EXECUTIVE SUMMARY

The provision of a due process hearing to settle differences between and among school personnel, parents, and other professionals has been the primary component of the procedural safeguards of the Individuals with Disabilities Education Act (IDEA). The parent or the public agency may initiate a hearing if they are unable to agree on any matter relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a Free and Appropriate Public Education (FAPE) to the child. In a due process hearing, a third party convenes the hearing to settle disputes or differences between the parties. EDGAR provisions for formal complaint resolution were incorporated into the IDEA in July 1992. Within the formal complaint resolution process, parents and/or school personnel may submit a written complaint regarding the identification, evaluation, placement, or provision of FAPE to the State Education Agency (SEA). When Congress added formal mediation as an option within the IDEA Amendments of 1997 to resolve issues or disputes between parents of children with disabilities and schools, it recognized the need for additional and less adversarial dispute resolution approaches to resolve differences between parents and agencies.

Congress has periodically requested information regarding the use and effectiveness of these various dispute resolution procedures. Until approximately ten years ago, the national picture regarding the efficiency and effectiveness of various formal and emerging informal dispute resolution procedures has been minimal. To that end, the Consortium for Appropriate Dispute Resolution in Special Education (CADRE) and one of its partners, the National Association of State Directors of Special Education (NASDSE) have been systematically gathering dispute resolution information from SEAs to analyze formative (process) and summative (outcome) information on the use and effectiveness of these conflict resolution procedures. CADRE and NASDSE carried out several preliminary studies in advance of this *National Dispute Resolution Use and Effectiveness Study*.

An early study by Ahearn (1994) observed that there is no policy in place that requires the compilation of national data on the implementation and outcomes of due process procedures, nor is there any requirement that states evaluate their strategies for due process protections. She further found that a limited number of states have implemented evaluation mechanisms regarding consumer satisfaction with mediation and/or due process.

A longitudinal study is being conducted by Abt Associates and its subcontractors, Westat and SRI, to evaluate the state and local implementation of the 1997 Amendments to IDEA and the impact of this legislation on schools, districts, and states. One of the Congressionally-mandated questions studied dealt with alternatives to dispute resolution. Data reviewed were for the 1999-2000 school year from all 50 states and the District of Columbia and a sample of approximately 17 school districts. Study procedures involved interviews and focus groups. Findings include that the structure of the state's due process system (one-tier or two-tier) did not influence the proportion of dispute cases. They found that districts in the Northeast were more likely to have reported having a due process hearing than school districts in the South, West, and Northwest.

A descriptive study was conducted by the American Institutes for Research (AIR), as part of a broader study within the Special Education Expenditure Project (SEEP). The final report was released in May 2003 entitled *What are We Spending on Procedural Safeguards in Special Education, 1999-2000*. Study procedures included surveys at the state, district, and school levels. Survey respondents were state directors of special education, district directors of special education, district directors of transportation services, school principals, special education teachers, related service providers, regular education teachers, and special education aides.

The SEEP study found that WSEA's dismissed nearly 80 percent of formal complaints lodged against districts in 1998-99. They found that due process hearings make up the majority of dispute resolution activities with an estimated 6,763 cases across the U.S., while an estimated 4,266 mediation cases were initiated. Over half (55.7 percent) of the due process cases were resolved in favor of the district; over one-third (34.4 percent) were resolved in favor of the family; and 8 percent resulted in a split decision.

A study that complements the data/information within the current NASDSE *National Dispute Resolution Use and Effectiveness Study* is a case study review of dispute resolution within ten states (Markowitz, Ahearn, and Schrag, February, 2003). The state sample includes Alabama, California, Illinois, Iowa, Maine, Massachusetts, Minnesota, Virginia, Washington, and Wyoming. Two additional states were added to augment the information about early dispute resolution strategies — Arizona and Montana. Telephone interviews were conducted with up to three persons per state during January through May 2002. The study authors concluded that complaints, mediations, and due process hearings typically do not function as an integrated system. However, with the growing emphasis on using data for program improvement and examining dispute resolution during the monitoring process, there is increasing interest and need for integrated dispute resolution data. In order to meet this need, the dispute resolution components will have to be more systemically interrelated than appears to be the case in most states.

Under a NASDSE subcontract with CADRE, a pre- study (Schrag and Schrag, 2001) was conducted that focused on a small sample of states integrating their databases so that cases could be followed through the entire dispute resolution process. States involved were Alabama, Maine, Iowa, and Colorado. A preliminary review of databases from these states showed that the ratio of dispute resolution cases per 10,000 special education students varied greatly across the states. Therefore, it was determined that it was necessary to obtain data from all states to determine the variations across states relative to dispute resolution cases per 10,000 special education students.

To obtain this information, the authors conducted an email inquiry of states so that a national profile of dispute resolution variations across the country could be compiled. State directors of special education or their designee were asked to report the number of dispute resolution procedures requested or filed, the number held or conducted, and the number of cases of decisions or agreements reached. SEAs also reported information regarding their procedures for handling cases, the nature of their databases, and satisfaction information gathered. Three data request waves and follow-up telephone calls were used to gather this information. Data was obtained from 49 states and the District of Columbia.

The results provided a ratio of dispute resolution cases per 10,000 enrolled special education students in the 49 states. The distribution ranged from 3 cases to 2,292 cases per 10,000 enrolled special education students and is bi-modal in distribution with states in the Northeast plus California forming the high ratio group (50+ cases per 10,000) and the rest of the nation forming the low ratio group (3 to 33 cases per 10,000) in the 2000-2001 school year. Ten states are in the high ratio group and 39 are in the low ratio group.

Using this information, the present study was designed as a stratified — random design sampling both from the high and low ratio groups. The study design and sampling procedure required states to meet the following criteria:

- Confidentiality issues could be resolved enabling databases to be shared,
- All three dispute resolution databases were built on records at the student case level, and
- All three dispute resolution databases have unique student identifiers for individual students (e.g., name, birth date, social security numbers, or another student identifier) so that all cases for the same student could be identified.

Only half the states were able to link all three DR databases, thereby, finding all cases for the same student. The confidentiality issue eliminated a few more with some having state laws that precluded sharing of information or even obtaining it for their own management purposes. Having a database structure based upon individual student cases eliminated additional states. The remaining available pool of states was asked to participate and selections were made so that state population size and geographic distribution of their strata would be representative. For the high ratio states, Pennsylvania, Connecticut and Maine agreed to participate. Participating low ratio states include Kentucky, Alabama, Colorado, and Arizona.

Following their selection, states provided their databases, which were then integrated so that all special education dispute resolutions for a state were in the same database. Once integrated, analytical variables were constructed for the state and placed into the master analysis file. The master analytical file contained 9,839 cases that could be queried to answer study questions. Cases in this master analysis database consisted, in part, of cases involving more than one dispute resolution request (34.8 percent). This group of students represents 16.3 percent of the total dispute resolution population. With over a third of the cases involving repeat filings/requests, it is apparent that well managed integrated databases would assist in effectively managing the caseload. This master analysis file was designed to produce state outcome variables and some consumer outcome indicators. However, to adequately obtain outcome information from consumers, a consumer satisfaction survey was designed and conducted.

This set of consumer satisfaction questionnaires was developed for parents and school officials. A combined group of 250 parents and school officials were randomly selected across the participating states and the questionnaire mailed to them with a cover letter from their state director of special education requesting their assistance by responding to the questionnaire. Those school officials and parents not responding within two weeks were called by telephone and encouraged to answer the questions over the phone or complete the questionnaire and return it by mail. A 44 percent response rate was received from parents and a 58 percent response rate was received from school officials (overall response rate of 51.2 percent).

The study results include weighted calculations using the seven states in the stratified sample to produce total calculations for the United States (U.S.). A comparison of the study estimates for the U.S. and actual counts found the study estimates to be about 5 percent less than the actual counts obtained for 2001 (Schrag and Schrag, May, 2003). Consequently, estimates for the U.S., using the sample data, are slightly conservative.

The SEEP study (Chambers, et al., May 2003) reported that due process hearings make up the majority of dispute resolution activities, with an estimated 6,763 cases across the country. Actual counts (Schrag and Schrag, May 2003) for all states except New Hampshire showed that due process hearings accounted for 44.8% of all dispute resolution cases in 2000-01, with a projected national estimate of 12,914. Utilizing the bimodal distribution of disputes is needed to produce accurate estimates. Estimates using data in the present study show due process hearings growing, thereby, becoming a greater proportion of the dispute resolution cases, but not the majority, as reported in the SEEP study.

This *National Dispute Resolution Use and Effectiveness Study* also found that about half of the complaints filed were ultimately decided in favor of parents. Eighty percent were not dismissed, as reported in the SEEP study. Rather, this study found that 28.9 percent of all disputes were declined, dismissed, or withdrawn.

Study findings indicated that students involved in dispute resolution cases appear to be predominantly males with the maximum number of cases occurring with students in their early teens. Disability appears to have a significant impact upon the likelihood of bringing a dispute resolution case. While students with autism represent about 1 percent of the population with disabilities, they represent over 11 percent of the dispute resolution population. Students with other disabilities such as deaf-blindness, emotional disturbance, hearing impairment, multiple disabilities and traumatic brain injury tend to utilize the system beyond their representation in the population.

Five major issue categories appear to constitute about 70 percent of the dispute resolution cases in the analysis databases. The five major categories are:

- IEP
- Identification and Evaluation
- Placement
- Multiple Issues
- FAPE

Of these categories IEP, Identification and Evaluation, and Placement cover the majority of the cases. They represent about 55 percent of all cases.

The study found the percent of cases exiting a system within the intended state outcome category can provide one measure of effectiveness; that is, the percent of cases that obtained a decision or reached an agreement. Analysis of the sample found that about 71 percent of the complaints cases reached a decision, about 51 percent of the mediation cases filed reached an agreement, and almost 19 percent of the due process hearing requests reached a decision. Other factors are obviously at play within these dispute resolution systems that need to be taken into consideration within an overall evaluation of effectiveness.

The consumer satisfaction survey found that about one third of the parents indicated that they would not use the dispute resolution process over again. When asked why they were unwilling to use these dispute resolution processes, it was found that they had experienced outcomes that did not enhance their child's education. Parents reported that solutions worked out in the mediation agreement were ineffective or not implemented, and, to a lesser degree, complaint decisions/corrective actions were not effective.

The fact that some parents perceive mediation agreements as totally confidential and that states generally do not follow-up on their implementation is working to the client's (parent/student) disadvantage. If the agreement is not implemented, or the solutions contained in the agreement do not work, parents indicated that the only recourse is to file a complaint or a request for a due process hearing. This is, in part, why the repeat utilization of mediation services is so low.

Actual consumer behavior is probably the best indicator of success; with 34.8 percent of cases involving more than one dispute resolution request, it is apparent that well-managed integrated databases would assist in effectively managing the dispute resolution caseload. Due process hearings and complaints had over 40 percent of returning cases utilizing the same procedure again for the second filing/request. Of those returning and having used mediation as their first dispute resolution process, only about 24 percent chose to use mediation again. This lower return rate may reflect a combination of the highly varied success rates that mediation has with different issues, the lack of enforcement by the SEA, and the lack of well-negotiated, practical solutions.



Of the 128 cases interviewed in the consumer satisfaction survey, 28 disputes were withdrawn for a variety of reasons. The most prevalent reason (46 percent of the time) for withdrawing involved local resolution. Resolution was achieved in IEP meetings, with team intervention and with school official participation, and/or through other early resolution activities. Methods of local dispute resolution appear to be effective and encouraging them could result in fewer formal complaints at the SEA level.

The substantial withdrawal rate from formal dispute resolution processes and the fact that over 46 percent of those withdrawing solved the dispute through local efforts indicated that enhanced efforts at the local level could perhaps substantially reduce the formal dispute resolution caseload. Additional feedback from the consumers indicated the need for continued training and technical assistance for parents in understanding which issues to mediate and the process of mediation. In addition, consumer feedback indicated that additional training is needed for mediators in the facilitation of mediation agreements that are realistic and likely to resolve the conflicts or issues, as well as more training to add to the educational focus of hearing officers in order to develop hearing discussions that can be implemented and produce resolution of the issues.

Following are six recommendations made by this study:

1. Consistent with a study finding that over one-third (34.8 percent) of dispute resolution cases involve more than one dispute resolution request (i.e., formal complaints, mediation, and due process hearings), it is recommended that SEAs and local education agencies (LEAs) implement integrated data management systems containing formal complaints, mediation, and due process hearings as well as other state and local early conflict resolution strategies. Findings can have policy, organization, training, and personnel implications.
2. Based on data from this study as well as previous studies and inquiries conducted by NASDSE, state and local informal problem solving/conflict resolution procedures appear to help resolve issues more immediately and closer to the classrooms and schools where conflicts originate. For example, it was found that 46 percent of the parties withdrew dispute resolution requests because local efforts resolved their issues. It is recommended that SEAs and LEAs systematically study the use and effectiveness of these early conflict resolution systems. Earlier resolution can result in less negative impacts on the child and family (e.g., lost learning time while more formal dispute resolution systems are being accessed and carried out; less likelihood that relationships between parents and school personnel will become strained through formal conflict resolution procedures, and fiscal resources directed to carrying out formal conflict resolution rather than to instruction and learning).
3. Consistent with the growing number of consumer satisfaction tools being utilized within states, it is recommended that these tools be shared and promoted by organizations such as NASDSE and CADRE. In order for informal and formal conflict resolution procedures to be effective in resolving parental and student issues, feedback from consumers (parents and school personnel) is critical.
4. Data gathered from consumers (parents and school personnel) within this study provide mixed results regarding the effectiveness of mediation on resolving student and parental concerns. It is recommended that organizations such as NASDSE and CADRE conduct further inquiries into the reasons both parents and school personnel seem ambivalent about the effectiveness of mediation. Yet, administrators (SEEP study) reported mediation to be more cost effective than due process hearings.

5. Closely related, it is recommended that mediation agreements be sent to the SEA for review and follow-up to monitor whether the agreements are being implemented. For example, the LEAs could be required to maintain a record of follow-up activities related to mediation agreements for possible review within the state's focused monitoring activities. Feedback could also be generated from parents regarding their satisfaction with implementation of mediation agreements. This recommendation is made with the full understanding that the mediation process should be kept confidential and that the parties enter into mediation agreements with good faith and intentions. It is clear from the data gathered in this study that either (1) many mediation agreements are not strategic or appropriate, **or** (2) many mediation agreements are not being implemented by the parties.

6. It is finally recommended that SEAs continue to provide training for mediators so that they have a firm base of understanding of schools and educational programs as well as type and nature of agreements that are likely to be implemented by the parties once written and agreed-upon.

# ***National Dispute Resolution Use and Effectiveness Study***

*Conducted by*

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*Through a Subcontract with*

The Consortium for Appropriate Dispute Resolution in Special Education (CADRE)

## **INTRODUCTION**

The Individuals with Disabilities Education Act (IDEA) was intended to encourage collaborative problem solving with parents and school systems working together to identify and meet a child's special education needs. This concept is reflected in the Individual Education Program (IEP) process in which parents and educators work together as a team to determine a child's individual needs, design an appropriate educational plan to accommodate them, and implement needed programs and services within the child's IEP.

When problem solving and communication break down and differences arise, the IDEA has established processes whereby parents and public agencies can resolve disputes concerning special education. 20 U.S.C. Section 1400 Parents and/or public agencies may submit a request for a due process hearing for issues related to the identification, evaluation, placement, or provision of FAPE. Formal complaint resolution procedures of the Education and Governmental Accounting Regulations (EDGAR) were incorporated into the IDEA regulations in July 1992. Mediation was also added as a dispute resolution option within the IDEA Amendments of 1997 in recognition of the need for additional and less adversarial dispute resolution approaches to resolve differences between parents and agencies.

In 1998, the National Center on Dispute Resolution (the Consortium for Appropriate Dispute Resolution in Special Education or CADRE) was funded for five years by the United States Department of Education, Office of Special Education Programs (OSEP). CADRE was established to provide technical assistance to state education agencies (SEAs) on implementation of the mediation requirements under IDEA. CADRE also was charged with supporting parents, educators, and administrators to benefit from the full continuum of dispute resolutions options that can prevent and resolve conflict and ultimately lead to informed partnerships that focus on improved results for children and youth.

Congress has periodically requested information regarding the use and effectiveness of the various dispute resolution procedures. Until approximately ten years ago, the national picture regarding the efficiency and effectiveness of various formal and emerging informal dispute resolutions was virtually nonexistent. To that end, CADRE was charged with systematically collecting and analyzing formative (process) and summative (outcome) information from SEAs on the use and effectiveness of the full continuum of conflict resolution approaches. Thus, CADRE has subcontracted with one of its partners, the National Association of State Directors of Special Education (NASDSE) to carry out preliminary studies and a *National Dispute Resolution Use and Effectiveness Study* involving seven states across the nation.

## **PURPOSE AND OVERVIEW OF REPORT**

The overall purpose of this Report is to present the findings of the *National Dispute Resolution Use and Effectiveness Study* conducted by NASDSE, under subcontract with CADRE, regarding the use and effectiveness of formal complaint resolution, mediation, and due process hearings. The study design, methodology, and results are found in Section II of this Report.

In order to put this *National Dispute Resolution Use and Effectiveness Study* into context, several items are included within Section I. First, brief background information is summarized regarding federal IDEA requirements for the dispute resolution procedures (i.e., complaints resolution, mediation, and due process hearings). Several initial studies are reviewed that were conducted by NASDSE, in its subcontract with CADRE, to determine the rates of dispute resolution within the states as well as the status of data systems to gather use and effectiveness data and information. As supplemental context information, several other related national studies regarding dispute resolution procedures are also summarized. Finally, Section III provides a summary discussion and conclusions.

## **BENEFITS TO BE DERIVED FROM THE STUDY**

This *National Dispute Resolution Use and Effectiveness Study* will add to the body of knowledge for Congress, OSEP, SEAs, local education agencies (LEAs), parent/advocacy organizations, and professional organizations regarding the dispute resolution use and effectiveness within seven states and projections regarding overall dispute resolution for the nation. Information derived from this study can also assist SEAs in refining state administration of formal complaints resolution, mediation, and due process hearings, including the management and analysis of data across these three dispute resolution systems. Finally, LEAs will find data, information and other insights from the study results helpful in analyzing current and possible formal and informal conflict resolution strategies and systems at the local level.

## **Section 1 — BACKGROUND INFORMATION AND RELATED STUDIES**

### **1. Summary of IDEA Requirements for Dispute Resolution**

#### ***A. Formal Complaint Investigation***

As stated earlier, the previous EDGAR provisions for formal complaint resolution were incorporated into the IDEA in July 1992. Within the formal complaint resolution process, parents and/or school personnel may submit a written complaint regarding the identification, evaluation, placement, or provision of FAPE to the SEA. The SEA has a time limit of 60 days after the complaint is filed to complete its investigation and issue a written decision to the complainant, unless unusual circumstances warrant an extension of time. If a written complaint is received that is also the subject of or contains issues that are part of a due process hearing, the written complaint may be set aside until the conclusion of the due process hearing.

#### ***B. Mediation***

When Congress added formal mediation as an option within the IDEA Amendments of 1997 (IDEA '97) to resolve issues or disputes between parents of children with disabilities and schools, it recognized the need for additional and less adversarial dispute resolution approaches to resolve differences between parents and agencies. Specifically, SEAs must offer mediation at least whenever a due process hearing is requested. While prior legislation permitted mediation, the 1997 IDEA Amendments outline state obligations for creating a mediation process in which parents and LEAs may voluntarily participate. Among these SEA obligations are:

- Ensuring that the mediation process is voluntary on the part of the parties, is not used to deny or delay a parent's right to a due process hearing, or to deny any other rights afforded under Part B of IDEA, and is conducted by a qualified and impartial mediator who is trained in effective mediation techniques;
- Maintaining a list of qualified mediators knowledgeable in laws and regulations relating to the provision of special education and related services; and
- Bearing the cost of the mediation process.

Some parents may choose not to use mediation, and an LEA or a State agency may establish procedures to require those parents to meet with a disinterested party who would explain the benefits of the mediation process and encourage them to make use of the process.

Through the provisions of IDEA '97, Public Law 105-17, the Senate Report (S. Rep. No. 105-17, 105<sup>th</sup> Congress, 1<sup>st</sup> Session, 1997), and the House Report (H.R. Rep. No. 105-95, 105<sup>th</sup> Congress, 1st Session, 1997), Congress signaled the intent to encourage more collaborative decision-making by parents and schools when problems may be present:

*The committee is aware that in States where mediation is being used, litigation has been reduced and parents and schools have resolved their differences amicably, making decisions with the child's best interest in mind. It is the committee's strong preference that mediation becomes the norm for resolving disputes under IDEA.*

### ***C. Due Process Hearings***

The provision of a due process hearing to settle differences between and among school personnel, parents, and other professionals has been the primary component of the procedural safeguards of IDEA. The parent or the public agency may initiate a hearing if they are unable to agree on any matter relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of FAPE to the child. In a due process hearing, a third party convenes the hearing to settle disputes or differences between the parties. Within the due process hearing process, the hearing officer receives evidence, provides for the examination and cross-examination of witnesses by each party, and then issues a report of findings of fact and decisions. Within 45 days after receipt of a request for a due process hearing, a final decision must be reached in the hearing and a copy of the decision mailed to each of the parties (unless the hearing officer grants an extension). Due process hearing decisions are final unless any party involved in the hearing appeals the decision. The SEA must ensure that not later than 30 days after a receipt of a request for a review, a final decision is reached in the review and a copy of the decision is mailed to each of the parties.

### ***D. Expanding the Continuum of Dispute Resolution***

During the past several years, there has been a trend within the states to implement other alternative dispute resolution (ADR) processes. These ADR processes have resulted in positive outcomes for parents, students who receive special education and related services, advocates, school district staff, and others. This trend has effectively extended the continuum of processes and procedures to resolve differences early in response to concerns that formal procedures, such as due process hearings, are more costly, litigious, and do not result in satisfactory

relationships between parents and school personnel.

Several CADRE publications and resource materials have described a spectrum of dispute resolution options that have been emerging across the country. (e.g., Feinberg, Beyer, and Moses, October 2002; and Abel and Morton, November 2002) These options can be categorized as follows:

- **Preventive ADR** that channel disagreements into a problem solving arena early enough that escalation and full-blown disputes can be avoided. Examples of preventive ADR approaches are case managers, conflict resolution and problem solving training, and parent-to-parent and other parent partnership or mentoring strategies.
- **Facilitated ADR** methods that involve a third-party neutral, with no authority, to assist the parties in reaching a satisfactory resolution. Examples of facilitated ADR methods include case managers, facilitated IEPs, solution teams, technical expert teams, IEP coaches, and complaint investigation strategies designed to improve communication between parties in dispute.
- **Advisory ADR** methods involve a third-party neutral who offers expert evaluation regarding the merits of the dispute. Examples of advisory ADR methods within states include non-binding arbiters, ombudspersons, advisory opinions, and settlement conferences.
- **Fact-Finding ADR** methods that utilize a third party or technical expert to make findings that may be binding, depending upon agreement of the parties. Examples of fact-finding ADR methods include technical experts, third-party or neutral opinions, independent evaluations, or ombudspersons.
- **Imposed ADR** methods involve a third-party neutral who makes a binding decision regarding the merits of the dispute. An example of imposed ADR is a binding arbiter.

## 2. Previous Research Regarding Dispute Resolution Use and Effectiveness

### A. *Early NASDSE Studies*

Symington (1994) carried out case studies of several states in order to document the development and use of mediation as a strategy to improve communication and resolve disagreements between schools and parents of students with disabilities. Participating states included Massachusetts, Connecticut, Pennsylvania, New Jersey, and New Hampshire. In this study, Symington reviewed the various state mediation models, the role of the mediator, and training of mediators. Symington found that disputes were often resolved prior to hearings whether or not a formal mediation session was held. The range mediations conducted in 1993 that had failed and resulted in a request for due process hearing ranged from 10 percent in Connecticut and Pennsylvania to 36 percent in New Jersey. Another finding was that agreement between parties was also reached prior to a decision rendered by the hearing officer. For example, in Connecticut, of 77 hearings held, only 44 resulted in decisions rendered by the hearing officer, with agreements reached by the parties for the remaining 33.

Through its Project FORUM, NASDSE has conducted several analyses of state policies in mediation and due process procedures (Ahearn, 1994). Ahearn observed that there is no policy in place that requires the compilation of national data on the implementation and outcomes of due process procedures, nor is there any requirement that states evaluate their strategies for due process protections. She further indicated that a limited number of states

have implemented evaluation mechanisms regarding consumer satisfaction with mediations and/or due process. Schrag (1996) conducted a scan across the country to identify trends in mediation and other alternative dispute resolution procedures in special education. She observed that many states are expanding their continuum of dispute resolution processes to include more informal and less adversarial methods to resolve differences between parents and school personnel regarding the education of students with disabilities.

### ***B. Abt Associates Study***

Under a contract with the U.S. Department of Education, Abt Associates and its subcontractors, Westat and SRI, are conducting a longitudinal study to evaluate the state and local implementation of the 1997 Amendments to IDEA and the impact of this legislation on schools, districts, and states. One of the Congressionally-mandated questions studied dealt with alternatives to dispute resolution. Data reviewed were for the 1999-2000 school year from all 50 states and the District of Columbia and a sample of approximately 17 school districts. Study procedures involved interviews and focus groups. Following are selected findings:

- On average, states have offered mediation for 10 years.
- Most states (88 percent) allowed attorneys to attend mediations and hearing, but usually parents did not bring an attorney.
- Nearly all states (97 percent) offered or sponsored mediation training via the state department of education.
- About 75 percent of states used attorneys, community mediators, or contractors as mediators.
- Less than half of the states (41 percent) used special educators, and fewer used psychologists (34 percent), school administrators (21 percent), or social workers (24 percent) as mediators.
- Dispute resolution cases per 10,000 students with disabilities in the states included:
  - Mediations – 4.0 (a range of 0.4 for the lowest to 160.0 for the highest state)
  - Impartial due process hearings – 2.3 (range of 0.4 to 1,477.0)
  - State administrative reviews – 0.3 (range of 0.0 to 4.0)
  - State/federal judicial reviews of hearing decisions – 0.1 (range of 0.0 to 0.9)
- Across all schools, 16 percent of the principals reported involvement in at least one or more formal disputes.
- The structure of the state's due process system (one-tier or two-tier) did not influence the proportion of dispute cases (43 percent and 57 percent).
- Regional variations were evident. Districts in the Northeast were more likely to have reported having a due process hearing than school districts in the South, West, and Northwest.
- Mediations or due process hearings are rarely or never used when parents don't consent to an initial evaluation.
- Tensions existed between parents and schools regarding the provision of services.
- School districts attempted to avoid formal disputes, often making decisions based on fear of disputes.
- Formalized alternative dispute resolution strategies were not typically provided; however, they are becoming a more common practice to resolve disputes early.

### ***C. American Institutes for Research — Special Education Expenditure Project***

As part of a contract with the U.S. Department of Education, the American Institutes for Research (AIR) conducted a descriptive study as part of a broader study within the Special Education Expenditure Project (SEEP). The final report was released in May 2003 entitled *What are we Spending on Procedural Safeguards in Special Education, 1999-2000*. Study procedures included surveys at the state, district, and school levels. Survey respondents were state directors of special education, district directors of special education, district directors of transportation services, school principals, special education teachers, related service providers, regular education teachers, and special education aides. During 1999-2000, this study found that school districts spent approximately \$146.5 million on special education mediation, due process, and litigation—less than one-half of one percent of total special education expenditures. The authors reported that the average annual expenditure per open litigation case amounted to \$94,000 in 1999-2000. The authors reported that “. . .an estimated \$8,160 was spent on the average mediation or due process case in 1999-2000.” (p.8) These authors further note, “The averages presented here reflect expenditures on both mediation and due process cases. It is important to note that due to the nature of the survey, we were unable to separate expenditures on mediation from those on due process hearings, and acknowledge that there are likely to be differences between the two activities.” (p. 8)

Complaint resolution is largely a state-level activity, and the SEEP study found that SEAs dismissed nearly 80 percent of complaints lodged against districts in 1998-99. Thus, district-level expenditures on complaint resolution activity were reported to be negligible. Other findings of the SEEP study included:

- Mediation cases, due process hearings, and litigation tended to be concentrated in less than 2/5<sup>th</sup> of the nation’s school districts.
- An estimated 62 percent of school districts reported that they did not have any complaints, mediations, due process hearings, or litigation during the 1998-99 school year—and 38 percent did.
- Of all school districts, 28 percent had complaints, 12.5 percent had mediation cases, 13 percent had due process hearings, and 2 percent were involved in litigation.
- Urban school districts tended to be disproportionately represented with a statistically significant difference among school districts with procedural safeguard activity.
- The highest economic status districts were significantly more likely to have any type of procedural activity than lower economic status suburban population districts (70 percent to 21 percent respectively).
- The percentage of districts with complaints and litigation cases were not statistically significant across district income categories.
- Larger school districts were more likely than smaller to have dispute resolution activities of all kind.
- Over twice as many urban districts had at least one type of activity, in comparison to rural and suburban districts.
- While not statistically significant, districts with higher income families were disproportionately represented among school districts with procedural safeguard activity.
- Data showed that due process hearings make up the majority of dispute resolution activities with an



estimated 6,763 cases across the U.S., while an estimated 4,266 mediation cases were initiated.

- Over half (55.7 percent) of the due process hearings were resolved in favor of the district; over one-third (34.4 percent) were resolved in favor of the family; and 8 percent resulted in a split decision.
- Of the 51.3 percent of litigation cases that were tried, over half (30.1 percent out of the 51.3 percent) were decided in favor of the district, and one-sixth (8.7 percent) was resolved in favor of the family. The remainder of litigation cases (12.5 percent) resulted in a split decision.
- An overwhelming number (96.3 percent) of the districts reported that mediation is more cost effective than due process.
- A small subset of reporting districts (3.5 percent) indicated that there are no financial differences to the district between mediation and due process, while .1 percent specified that mediation is less cost-effective than due process.

#### ***D. Recent NASDSE Studies***

During April-May, 2003, a mediation survey was sent by NASDSE to state directors of special education of the 50 states and federal jurisdictions. Responses were received from 50 states and 3 jurisdictions. Following is a summary of the study findings regarding the question:

##### ***When does your state department of education offer mediation?***

1. As required in conjunction with the filing of a due process hearing — All states or 100 percent.
2. In connection with the filing of a state complaint — 15 states or 47 percent.
3. Any time that parents or school districts request a state mediation — 47 states or 87 percent.
4. When the SEA learns of a problem, but before a formal complaint is filed — 29 states or 55 percent.
5. Other circumstances — 29 states or 55 percent.
  - Local resolution for complaints that don't come to the state for resolution.
  - A mediation is provided at state expense at any time upon oral or written request of the school district and parent.
  - When an issue will not result in a formal complaint.
  - During IEPs when explaining due process rights.
  - As a part of facilitated IEPs.
  - After pre-hearing conferences.

A final study that complements the data/information within the current NASDSE *National Dispute Resolution Use and Effectiveness Study* is a case study review of dispute resolution within ten states (Markowitz, Ahearn, and Schrag, February, 2003). The state sample includes Alabama, California, Illinois, Iowa, Maine, Massachusetts, Minnesota, Virginia, Washington, and Wyoming. Two additional states were added to augment the information about early dispute resolution strategies—Arizona and Montana. Telephone interviews were conducted with up to three persons per state during January through May 2002. This case study review provides information across the ten states in the following areas: state administration of complaints, mediation, and due process hearings; state staffing for handling complaints; data management and evaluation of the complaint process; timelines in complaint resolution; training for complaint resolution staff; qualifications and training of mediators; the mediation process; mediation agreements and follow-up; data collection and evaluation of the mediation process; state staffing and employment of hearing officers; data management for hearings; timelines in due process hearings; training for due

process hearing officers; evaluation of due process hearings; dispute resolution components as a system; relationship between dispute resolution systems and monitoring; other types of dispute resolution; strategies for informing parents and the public about dispute resolution options; and changes under and recommendations from states.

In the above-described study, the authors concluded that complaints, mediations, and due process typically do not function as an integrated system. However, with the growing emphasis on using data for program improvement and examining dispute resolution during the monitoring process, there is increasing interest and need for integrated dispute resolution data. In order to meet this need, the dispute resolution components will have to be more systemically interrelated than appears to be the case in most states. There is also an increased availability of mediation and other alternative dispute resolution options that are focused on resolving disputes at the earliest and most informal levels.

### 3. Pre-Studies to the *National Dispute Resolution Use and Effectiveness Study*

#### A. Year 1 Phase 1 NASDSE Study

Year 1 of NASDSE’s subcontract with CADRE contained two study phases. Phase I culminated in the description of characteristics of state data systems and methods, procedures, and content. In July 1999, NASDSE’s Project FORUM conducted a brief analysis of the use and effectiveness of dispute resolution strategies within and across the states.

This study was conducted in collaboration with CADRE. In conducting this study for Project FORUM, Schrag utilized an email survey and received responses from all 50 states. Table 1 below provides a summary of information gathered from the 50 states regarding dispute resolution state data collection efforts.

Type of Information	Dispute Resolution Processes		
	Complaints	Mediations	Due Process Hearings
Information regarding the numbers and locations.	48 states	48 states	47 states
Type of issues involved	42 states	42 states	43 states
Information regarding resolution activities carried out or completed.	35 states	NA	48 states
Information regarding the numbers and locations of mediations completed.	Not Applicable	47 states	Not Applicable
Information regarding the type and nature of agreements or decisions.	NA	27 states	47 states
Satisfaction concerning the dispute resolution procedures.	NA	29 states	6 states
Follow-up activities within school systems as a result of resolution.	31 states	6 states	47 states
Information regarding the impact of resolution (e.g., whether the concern was resolved or whether it recurred again in a subsequent formal complaint, mediation, or due process hearing request).	9 states	7 states	4 states

**Table 1. Information gathered by SEAs regarding dispute resolution processes.**

An overview of the data collection capability within SEAs indicated that there were no consistent, agreed-upon methods or procedures across states for reporting follow-up and impact dispute resolution data. A few good instruments, however, were identified and shared with states. In addition, none of the states interviewed were able to follow an individual case through the complaint, mediation, and due process hearing systems to determine the number of cases utilizing more than one dispute resolution procedure with the same issues involved. Thus, this way of measuring effectiveness was not immediately available in any of the states reviewed.

Database elements used by states varied widely with little consistency across states. There did appear, however, to be a core of data elements that would be appropriate for all states to utilize. It was found that some states have developed sophisticated software systems to track and manage their due process cases. Software for complaints and mediation is more limited. Maine and Iowa have fully integrated dispute resolution systems. Otherwise, none of the systems for complaints, mediations, and due process hearings were linked by common fields to provide integrated case management information so that information across dispute resolution procedures.

**B. Year 1 Phase 2 NASDSE Study**

As a follow-up to the initial screening survey, Schrag and Schrag (1999) conducted a more in-depth examination in the following ten states that appeared to have the most complete data systems including follow-up, impact, and satisfaction data. These states included: Alabama, Idaho, Illinois, Indiana, Michigan, Oregon, Tennessee, Texas, Wyoming, and Washington. Additional email and telephone contacts were made with these states to obtain detailed organizational and procedural information, including data management software being used and the annual number of requests each year for the dispute resolution procedures. Following is a summary of the results of the Phase 2 more in-depth study of the selected states:

- Dispute resolution procedures are consistent across the ten sampled states.
- Some states had developed pre-filing processes in an attempt to resolve disputes prior to more formal procedures.
- The sampled states have developed logging procedures within each formal dispute resolution system to follow the cases through the process. None of the ten sampled states, however, have a case management system that integrates or goes across all three formal dispute resolution procedures (i.e., complaints, resolution, mediation, and due process). This missing linkage limits the measurement of effectiveness of dispute resolution procedures.
- As with the findings of the Phase 1 studies, there was a general lack of impact and effectiveness data being gathered by the SEAs.
- Formal disputes filed during a 12-month period per 10,000 students with disabilities ranged from 10.2 percent in Wyoming to 39.9 percent in Washington State.
- Indiana, Michigan, Texas, and Tennessee SEAs had comparatively low percentages of dispute resolution cases that request a due process hearing. Illinois and Alabama had a higher percentage of dispute resolution cases that request due process hearings.
- With acknowledged limitations, an estimate was made that there were 18,535 dispute resolution requests filed across the nation within the 12-month period covering part or all of 1998

### ***C. Development of a Mock Dispute Resolution Data Base***

During Years 2 and 3 of the NASDSE subcontract with CADRE (2000 and 2001), a National Design Team was formed to determine data elements for an integrated database across complaint resolution, mediation, and due process. The National Design Team was composed of dispute resolution staff from Illinois, Texas, Indiana, Maine, Idaho, and Washington. The Design Team, convened via telephone and email, identified the data elements used and needed by SEAs that were compatible with a larger national interest.

Following the National Design Team work, Schrag and Schrag (2000) prepared a paper, Dispute Resolution Database Structure and Elements that describe the recommended data elements and linked data tables needed to construct a comprehensive database including the three IDEA dispute resolution systems (i.e., complaints resolution, mediation, and due process). This mock database was intended to facilitate the study of the relative use, satisfaction, and effectiveness of dispute resolution procedures for use by SEAs in adapting their existing dispute resolution data systems. This paper describing the components of the dispute resolution integrated mock database is available on the CADRE Website: .

Because it was found that only Maine and Iowa have implemented an integrated dispute resolution database, and because an integrated database would be necessary to conduct a national effectiveness study, NASDSE and CADRE entered a phase of promoting the use of integrated dispute resolution databases using the Design Team's recommendations. During Years 2 and 3, technical assistance was provided by NASDSE consultants for several SEAs interested in refining their existing dispute resolution databases.

### ***D. Initial Pre-Study***

During Year 3 of the NASDSE subcontract with CADRE, a pre-study was conducted that focused on a small sample of states integrating their databases so that cases could be followed through the entire dispute resolution process. States involved were Alabama, Maine, Iowa, and Colorado. A preliminary review of databases from these states showed that the ratio of dispute resolution cases per 10,000 special education students varied greatly across the states. Therefore, it was determined that it was necessary to obtain data from all states to determine the variations across states relative to dispute resolution cases per 10,000 special education students. These data would be used in the selection of states to participate in the National Effectiveness Study during Year 5.

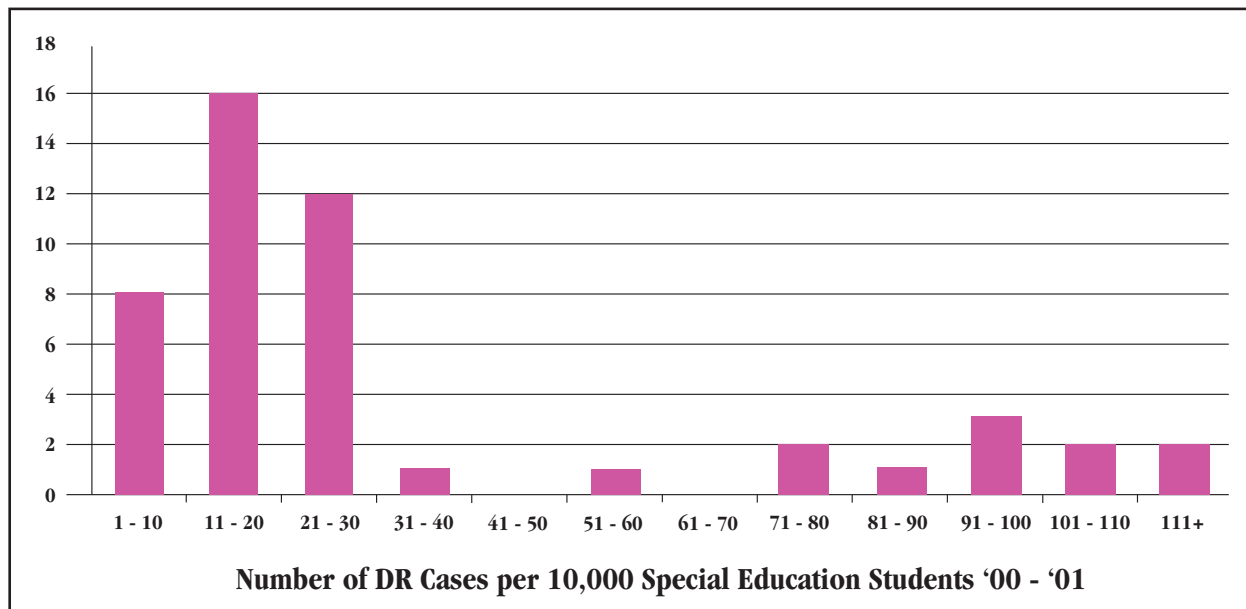
### ***E. Year 4 National Profile of Dispute Resolutions Per 10,000 Students***

Schrag and Schrag (2003) conducted an email inquiry of states in order to obtain a national profile of dispute resolution variations across the country. State directors of special education or their designee were asked to report the number of dispute resolution procedures requested or filed, the number held or conducted, and the number of decisions or agreements reached. SEAs also reported information regarding their procedures for handling cases, the nature of their databases, and satisfaction information gathered. Three data request waves and follow-up telephone calls were used to gather this information. Data were obtained from 49 states and the District of Columbia.

The results of data obtained regarding the ratio of dispute resolution cases per 10,000 enrolled special education students is shown in Figure 1. A bi-modal distribution of dispute resolutions exists across the country. Ten states were found to have a high rate of dispute resolution cases (more than 70 per 10,000 students), compared to 35 states with a low rate (40 or fewer per 10,000 students).

SEA respondents gave information on their efforts to provide early dispute resolution intervention that could resolve disputes before they get to the SEA. Sixty-nine percent of the states in the low ratio group had early resolution efforts, while 60 percent of the states in the high ratio group had early resolution efforts. The difference between the two groups is small and shows the trend that would be expected. This is confounded by the fact that early resolution efforts are relatively new and may not yet be showing an effect.

**Figure 1. Distribution of states by their ratio of dispute resolution cases per 10,000 special education students in 2000-01.**



States were also ranked by their median household incomes using the United States (U.S.) Census Bureau's 3-year median averages (1998-2000). The ranks of income were then compared to the ratio of cases per 10,000 students to determine if there was a significant relationship, thus testing if higher dispute ratios correspond to higher income. The Spearman rank correlation coefficient was determined to be .39. A significant relationship ( $p < .01$ ) was found that accounted for a small amount of the factors causing the difference between the high and low ratio groups. Other study findings included the following:

- Only 13 SEAs showed 80 percent or more mediation cases ending in agreement.
- Due process hearings were 40 percent or greater of the total dispute resolution cases in 19 states.
- Half of the responding SEAs' databases contained fields that would enable them to link the information into an integrated database. The remaining cannot easily link their dispute resolution databases across formal complaints, mediations, and due process hearings.
- Thirteen SEAs reported the district or intermediate unit is involved prior to launching a formal investigation — that is, the SEA sends the formal requests for complaint resolution and/or mediation back for resolution prior to proceeding.

Early conflict resolution strategies included:

- Eighteen SEAs provide conflict resolution training of parents and/or school personnel.
- Twelve SEAs use students as IEP facilitators or coaches.
- Ten SEAs use resource parents or a similar person to provide support for parents in resolving conflicts.
- Seven SEAs use early case reviews, solution panels, or another early resolution process.
- Twenty-six states use other methods of less formal conflict resolution such as peer and staff mediation, facilitated IEPs, and increased partnerships with parents.
- Twenty-nine SEAs reported that they did not have any particular early resolution process or procedures available at the local level.
- A statistically significant difference exist was found to exist between states using early resolution versus those not using it with respect to the due process hearing caseload—31.4 percent vs. 40.3 percent of total dispute resolutions.
- When asked consumer satisfaction instruments are used to gather feedback from parents and/or other school personnel about dispute resolution procedures, two SEAs responded yes for complaints, 22 SEAs responded yes for mediations, and 8 SEAs responded yes for due process hearings.

## **Section 2. NASDSE/CADRE NATIONAL DISPUTE *Resolution Use and Effectiveness Study***

### **1. Methodology**

#### ***A. Design***

Based on the findings of the Year 4 study, it was determined that states selected for the National Dispute Resolution Use and Effectiveness Study must reflect the bi-modal national distribution of high ratio dispute resolution states and low ratio dispute resolution states (numbers of total complaints, mediations, and due process hearings filed or requested per 10,000 students). Theoretically, one could use a design that stratified by the ratios and then randomly select states within the strata for participation. In effect, this would produce a stratified – randomized design. In practice, there are sampling limitations to the random selection of states within the strata as there are limitations with further stratification. Because of the restrictions needed for sample selection as discussed below, it was impossible to randomly select states within stratified groupings.

#### ***B. Sample***

In order to obtain information to complete the study, selected states needed to have databases that could be shared and were structured so that information could be extracted and manipulated to construct the analytical database.

To do this, state databases needed to meet the following criteria:

- Confidentiality issues could be resolved enabling databases to be shared,
- All three dispute resolution databases were built on records at the student case level, e.g., cases based on a case #, parent, or school), and
- All three dispute resolution databases have unique student identifiers for individual students (e.g., name, birth date, social security numbers, or another student identifier) so that all cases for the same student could be identified.

The above criterion of being able to link all three dispute resolution databases, thereby finding all cases for the same student, eliminated over half the states leaving a smaller pool from which selection could occur. Concerns with the confidentiality issue eliminated a few states; some states have laws that prohibit sharing of information, and, thus, precluded study participation. Having a database structure based upon individual student cases further reduced the number of states that could participate in this national study. With the available pool of states reduced, those asked to participate were selected so that state population size and geographic distribution of their strata would be representative.

Almost all of the high ratio states are in the Northeast. The rest of the nation contains the low ratio states. For the high ratio states Pennsylvania, Connecticut and Maine were able to participate. Participating low ratio states included Kentucky, Alabama, Colorado, and Arizona. Missing from the low ratio state sample is a large state such as Texas, Florida, or Illinois, all of which were unable to participate for various reasons.

### ***C. Procedures***

Following selection and agreement by the states, a confidentiality letter was provided to the state director of special education assuring that dispute resolution data obtained from each state would be utilized to construct the overall study analysis database and that state-specific data would not be reported in the study. This confidentiality letter also assured the participating SEAs that all student identifiable information would be held in a confidential manner, and only available to the study researchers. The SEAs were assured that once the study was completed, the state databases would be deleted from the study computer files.

With preliminary information available on the database contents, a group of study researchers reviewed the contents and determined what types of analysis could potentially be made with the reported availability of data variables across participating states. They developed a list of questions that the study could attempt to answer.

Following this, databases containing complaints, mediation, and due process hearing data for the years 1990, 2000, and 2001 were obtained from the participating states, with the exception of Arizona, which provided data on a school year basis from July 1, 1999 to June 2002. Complaints databases in Pennsylvania and Connecticut for 1999 were estimated based upon ratios from the following two years, 2000 and 2001. Each state's data sets were migrated into an integrated database for that state (Maine's database was already integrated). This process required matching cases across the individual complaints, mediation and due process databases. This was a time consuming process requiring visual verification of matches and identification of matches not found through automated techniques. Following this, the integrated databases were cleaned and fields that were missing data were completed as much as possible by reviewing other fields such as "Notes and Outcomes" for needed information, or telephone and/or email interaction with the State's dispute resolution personnel to obtain needed information.

Following the integration of each state's databases, analytical variables were constructed and placed into the analysis file. Some variables needed to be partially constructed, while others needed to be entirely constructed. For example, a partially constructed variable was age that was available in some databases, had to be calculated in others using the birthdate and first date of inquiry, or was not available at all. While each state had outcome, status, or final disposition variables in their database to describe the final status of each case, none of them used the same set of terms. Consequently, a field called "status" was constructed and the final status of each state's cases mapped into the status field using a common set of descriptors to encompass the varied descriptors used by the states. Once completed, the overall study analysis database contained 9,839 cases and the following variables:

- Disability
- Main Issue
- State
- Status of Dispute Resolution
- Type of Dispute Resolution
- Parent Choosing to Use Mediation
- School Choosing to Use Mediation
- Request Date
- Age
- Gender
- DPH Linked with Mediation
- Prevailing Party
- Attorney/Advocate Present
- Dispute Types (1 through 5)
- Outcomes (1 through 5)

Categories utilized with each variable will be explained as they are used to answer questions in Section 3. Results. Differences in variables, as obtained from each state, will also be included in the discussion of results enabling the reader to view the differences and definitions as they review the results.

To accompany the database analysis and answer questions with no relevant effectiveness data in the integrated dispute resolution database across participating states, a set of satisfaction questionnaires about consumer outcomes for each dispute resolution process were developed for parents and schools (see Appendix B). A combined group of 250 parents and schools were randomly selected across the participating states and the questionnaire mailed to them with a cover letter from their state director of special education requesting their assistance by responding to the questionnaire. Those schools and parents not responding within two weeks were contacted by telephone and encouraged to answer the questions over the telephone or complete the questionnaire and return it by mail. A 44 percent response rate was received from parents; and a 58 percent response rate was received from school officials with an overall response rate of 51.2 percent. Responses were keyed into a database and prepared for analysis.

Two types of outcomes were identified and used in the study. The SEAs had categories in their databases that identified the final disposition of the case. Dispositions included withdrawn, mediated, and dismissed. Throughout the study, these are referred to as state outcomes. The second type of outcome is a consumer outcome and centers around the effectiveness of the dispute resolution procedures in resolving the IDEA issues around which the dispute was centered.

#### ***D. Context***

Telephone interviews were held with each state director of special education and/or staff responsible for dispute resolution within the SEA from the seven participating states to gather descriptive information regarding their complaints resolution, mediation, and due process hearing systems. A comparison of 31 features or dimensions of these dispute resolutions systems is found in Appendix A. Following is a brief summary of several of these features.



### ***Complaint Resolution***

With the exception of Maine, all of the participating states administer the formal complaints resolution system within the SEA's special education unit with internal complaints resolution investigators. Maine has a contractor that carries out this function. Although there is not a formal training program for complaint investigators within the seven states, training is either provided by the contractor (Maine) or through ongoing conferences such as those provided by the Great Lakes Regional Resource Center (GLARRC), the Mountain Plains Regional Resource Center (MPRRC), the LRP annual conference, or other in-state or out-of-state conferences and workshops. Pennsylvania also relies on training from the Pennsylvania Training and Technical Assistance Network (PaTTAN) for their complaint resolution investigators. Training and information gathering also occurs in weekly or monthly meetings in at least Pennsylvania and Arizona.

Internal or contracted complaints investigators from the participating states follow-up complaint resolution findings and required corrective actions through various tracking procedures, including written documentation by the parties regarding follow-up and compliance. The Colorado SEA carries out informal tracking of required actions and timelines and requires letters of assurance that corrective actions have been followed up and implemented. The Pennsylvania SEA carries out verification activities to determine follow-up by the parties and compliance with required corrective actions.

None of the seven states have formal reviews of their complaint resolution systems; however, informal, and internal reviews are carried out annually or periodically which inform needed changes and refinements. The Pennsylvania SEA used a stakeholder group to provide feedback regarding needed changes. The Colorado SEA administered a stakeholder survey to identify needed changes in their complaints resolution system. The Alabama SEA used the CADRE questionnaire as a self-assessment tool in order to review the status of their system.

### ***Mediation***

Mediation was started as early as 1975 (Connecticut) and during the 1980s and 1990s in the other six states. Within Connecticut and Alabama, the SEA special education unit administers mediation with internal mediators. In Maine, Kentucky, Arizona, and Colorado, the SEA's special education unit administers mediation with contracted mediators. In Pennsylvania, an intermediate unit is contracted by the state special education office to operate an Office of Dispute Resolution (ODR) for administering the SEA special education mediation system, including the selection or appointment of mediators for specific cases. Close communication exists between the ODR and the Pennsylvania SEA in the administration of the mediation system.

The backgrounds of mediators in the seven states include education, social services, counseling, and law. All of the participating states require mediators to have knowledge of special education laws and regulations and the needs of students with disabilities. The Kentucky, Connecticut, and Alabama SEAs require observation by an experienced mediator before solo mediation can occur. In Kentucky, mediators must become certified as an educational mediator and attend semi-annual training. The Justice Center of Atlanta provides training for mediators in at least Alabama, Pennsylvania, and Kentucky. The MPRRC and the LRP conference also offer mediation training, as well. The Alabama SEA requires 30 hours of training each year.

Compensation for mediators ranges from \$50/hour in Kentucky to \$75/hour in Colorado, plus expenses for contracted mediators. The seven participating states emphasize a flexible continuum of dispute resolution, allowing mediation to be offered at any time before or after formal complaints resolution or before due process for any IDEA

issue. Five of the seven participating states assign mediators on a rotational basis, and all include availability as an assignment factor. All states allow for rejection of any assigned mediator if a case can be made for a conflict or concern — although this rarely occurs.

In Pennsylvania, attorneys are not permitted in mediation. The Arizona SEA is considering making this change because of concerns to keep mediations informal. Advocates may attend mediations and support parents in all seven participating states. The Maine SEA requires a seven-day notice for the parties to notify each other regarding the participation of attorneys and/or advocates. Arizona requires the same notice — but not a specific timeline. Attorneys are the primary speaker within the mediation and/or represent the parents in Connecticut, Maine, and Arizona. In Kentucky, attorneys play a support role. In Colorado, the mediator works out the role for both attorneys and advocates. Advocates play a support role to families in all of the seven states.

Mediation discussions are confidential in all seven states. The parties are or may be asked to sign a confidentiality pledge prior to mediation in Pennsylvania, Maine, Colorado, and Kentucky. While not a separate confidentiality pledge, signing the mediation sign-in sheet within Alabama is a pledge to maintain confidentiality of mediation discussions. In Connecticut, the parties agree to confidentiality, but do not sign a formal pledge. At the beginning of mediation sessions, the parties within Pennsylvania agree to confidentiality, and the notes of the mediator are destroyed following the mediation session(s). In all of the participating states, mediation discussions are not admissible in due process hearings, although the mediation agreement may become a part of the due process hearing record, particularly if components of the agreement become a part of a revised IEP.

In Maine, parents complete a form at the end of the mediation session that is used for internal evaluation. Likewise evaluation forms are completed by the parties at the conclusion of the mediation session in Colorado and Kentucky. In Colorado, copies of these evaluation sessions are sent to the mediator for feedback. No formal follow-up to mediation agreements exists in the seven states unless agreement items become part of the IEP. It is assumed that the parties will implement the terms of the mediation agreement. If there are concerns by either party, The SEA is usually contacted, a formal complaint is filed with the SEA, or a due process hearing is requested to resolve differences.

All seven states maintain statistical data regarding mediations; however, formal evaluations of the overall mediation system are not routinely done. The GLARRC, recently provided an external review of mediation use for the Pennsylvania SEA. Periodic feedback is also informally sought by the seven states from outside parties such as consultants. The Alabama SEA uses a questionnaire developed by CADRE as a periodic self-study (usually annually).

### ***Due Process Hearings***

The Connecticut, Maine, and Alabama SEAs maintain a one-tier system of due process, while Pennsylvania, Kentucky, Arizona, and Colorado SEAs have a two-tier system. The SEA special education unit administers the Level 1 Hearing in Connecticut, Maine, Kentucky, Arizona, Colorado, and Alabama using contracted hearing officers who communicate with the parties and make arrangements for the due process hearing.

Pennsylvania and Kentucky due process systems are administered by an attorney. Pennsylvania used the contracted ODR to manage the due process system. Due process hearing officers are attorneys in all seven states—although in Pennsylvania, psychologists, college personnel, and retired educators/administers are also hearing officers. In addition to attorneys, lay hearing officers within Kentucky and Maine also have diverse backgrounds.

Attorneys serving as hearing officers in Connecticut must have experience in education and/or childcare. Compensation for hearing officers ranges from \$50/hour in Pennsylvania to an upper limit of \$250/hour in Arizona with varying flat fees in Connecticut for various due process activities. Attorneys represent the parties in hearings, while advocates play a support role in all states except Kentucky in which advocates can represent the parties. Connecticut is considering legislation to formalize the current lay hearing officer role.

As with mediation training, training for hearing officers is provided through participation in the LRP annual conference, Justice Center of Atlanta, and other in and out-of-state conferences. The ODR provides training for hearing officers in Pennsylvania twice a year, and the hearing officers attend other trainings throughout the year. Connecticut hearing officers receive eight days of training yearly and also receive \$400 to support other training and materials. The MPRRC provides training for hearing officers for Arizona along with other training arranged for or provided by the SEA.

Follow-up to or enforcement of hearing decisions varies within the seven states. For example, documentation regarding implementation of hearing decisions is provided to the SEA's special education unit by the ODR in Pennsylvania. The same kind of documentation is obtained by the SEA in Alabama and Maine. The Connecticut SEA sends a letter out to the parties two weeks after their hearing to determine whether implementation is occurring. The Kentucky SEA requires yearly submissions to the SEA of follow-up. Although there is no formal process in Arizona and Colorado to follow-up due process hearing decisions, the SEA relies on compliance by the parties. Appeals can occur and/or the SEA is contacted by either party concerned about follow-up and implementation of hearing decisions.

Although statistical information is maintained and internal reviews are held in all seven participating states, no formal external evaluation of the seven due process hearing systems exists. Internal informal reviews are carried out by the states; however, with feedback sought from external consultants in Arizona and the State Special Education Advisory Councils in Pennsylvania and Alabama. Pennsylvania is currently developing satisfaction surveys to be used at the end of both mediations and due process hearings. The Alabama SEA is considering an independent review of its dispute resolution system.

The continuum of dispute resolution processes has been expanded in all of the participating states. The Pennsylvania SEA has implemented IEP facilitation, a ConsultLine for parents and educators, and is considering other early resolution strategies such as solution panels similar to those used in California. Pennsylvania and Kentucky SEAs have implemented pre-hearing conferences and the Connecticut SEA has implemented advisory opinions. Maine, Kentucky, and Arizona SEAs have implemented early resolution procedures. Colorado, Arizona, and Alabama SEAs work with advocacy and parent organizations to provide support to parents in resolving issues and provide state-sponsored workshop presentations on conflict resolution.

## ***E. Results***

### ***Results Related to Descriptive Study Questions***

The large complaints, mediation, and due process hearing analytical database for the seven participating states, and the consumer satisfaction surveys were structured to gather information regarding a set of 19 descriptive and analysis questions. The study findings are presented and discussed within this section of the Report for each of the questions. The number of cases available for analysis is different by variable because not all of the sample states had data for each variable studied.

**1. How many complaints, mediations, and hearings have been filed or requested?**

**What is the trend line over time (e.g., reductions or increases over a 1-3 year period)?**

As can be observed in Table 2, there was a modest rise in the number of requests for dispute resolution activities between 1999 and 2000; however, in 2000 and 2001, the increase was smaller. The growth in overall dispute resolution activity appears to be slowing and may represent mature state and local policies and practices that are well known and fully implemented. If this is correct, little growth other than that accompanying population growth should be expected in the future, given no changes in federal and/or state policies, or other circumstances. Due process hearings appear to be growing modestly, while complaints and mediation may be in the process of stabilizing.

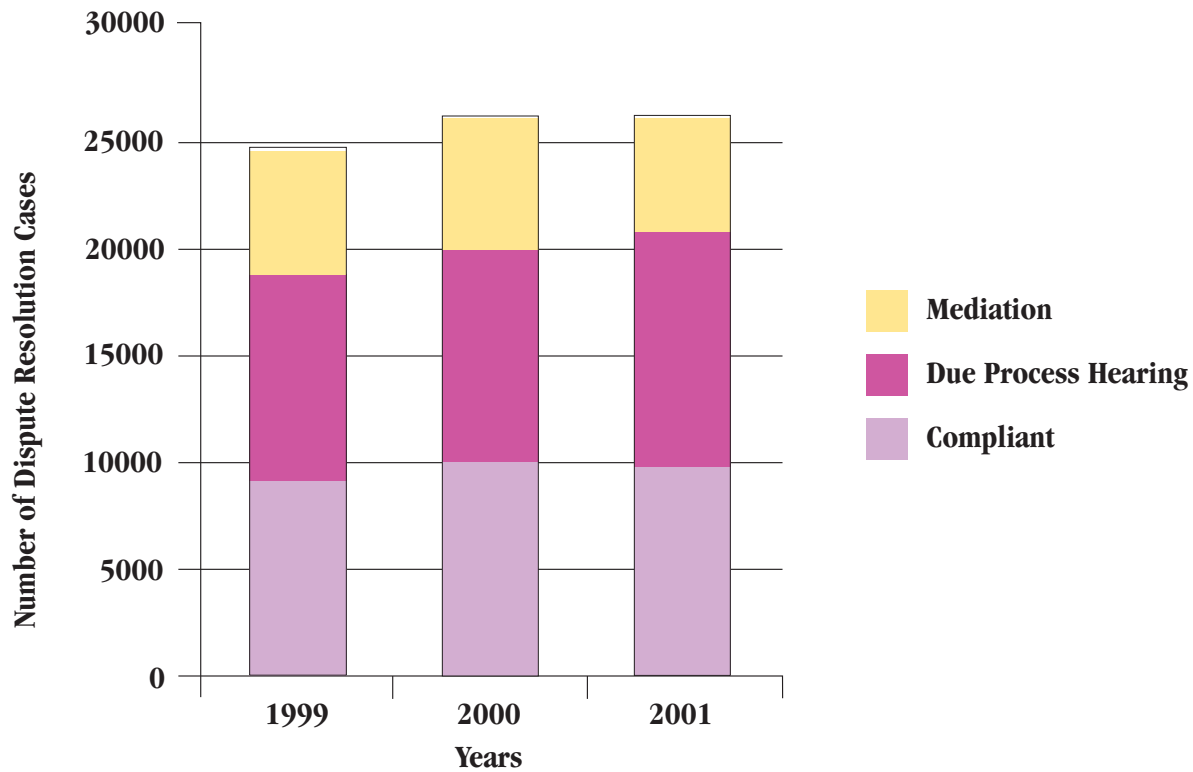
**Table 2. Number of requests for dispute resolution efforts.**

Year	Type of Dispute	Estimated Count for All Low Ratio States	Estimated Count for All High Ratio States	Estimated National Totals
1999	Complaint	1,931	6,869*	8,800
1999	Due Process Hearing	2,903	6,829	9,732
1999	Mediation	1,383	4,412	5,795
1999	Unknown		141	141
<b>Subtotal</b>		<b>6,217</b>	<b>18,251</b>	<b>24,467</b>
2000	Complaint	2,891	7,217	10,108
2000	Due Process Hearing	3,006	6,929	9,935
2000	Mediation	1,977	4,901	6,878
2000	Unknown		147	147
<b>Subtotal</b>		<b>7,874</b>	<b>19,195</b>	<b>27,068</b>
2001	Complaint	3,474	6,400	9,875
2001	Due Process Hearing	2,834	8,275	11,109
2001	Mediation	1,874	4,285	6,159
2001	Unknown		141	141
<b>Subtotal</b>		<b>8,182</b>	<b>19,101</b>	<b>27,283</b>
<b>TOTALS</b>		<b>22,273</b>	<b>56,546</b>	<b>78,819</b>

\* To make the 1999 complaints numbers a full year for Pennsylvania and Connecticut numbers were adjusted using ratios from the 2000 and 2001 years, where all complaints for the year were available.

The actual total count for 2001 based on information from all states except New Hampshire was 28,858, which indicates that projections developed from this sample will be conservative, perhaps underestimating national totals by about 5 percent. Figure 2 below provides an overview of national estimates provided in Table 2 (Schrag and Schrag, May 2003).

**Figure 2. National estimates for numbers of dispute resolution cases for 1999, 2000, and 2001 (unknown cases are small and not depicted).**



**2. Has the state changed its dispute resolution system during the period under study? In what ways (procedural changes, tracking, parent awareness, and staffing)?**

As indicated earlier, telephone discussions were held with the state director of special education or dispute resolution staff members from the seven participating states to gather contextual information about the nature of the complaints resolution, mediation, and due process hearing systems (e.g., how the systems are administered, data collected, and the extent of follow-up to dispute resolution decisions).

A number of changes have been made in the participating states' dispute resolution systems during the past three years. An outcome of these changes has been an increased professionalism and improved procedural competency. Through a contract with the ODR, the Pennsylvania due process and mediation systems have been revamped and two attorney directors have been hired to administer these systems. The ODR and the Bureau of Special Education, Pennsylvania Department of Education, have worked with a stakeholder group during the past two years to identify changes needed in the mediation system to encourage its use and to identify early resolution systems that could be implemented to expand the continuum of dispute resolution procedures. As a result, they will be implementing various procedures such as solution panels, implemented within California, as well as facilitated IEPs and other early resolution strategies found to be effective.

The Connecticut SEA has revamped its dispute resolution system and revised their state regulations. The SEA is also revising its complaints resolution system. Currently, advocates represent parents in due process hearings. The SEA is considering state legislation to expressly allow and formalize this practice.

The Maine SEA has improved its due process hearing database as well as tracking and reporting procedures. Additional staff members have been hired to manage the dispute resolution systems. The SEA is also investigating improvements in its dispute resolution data management procedures by adding a relationship database. This change would provide the SEA with additional management information regarding the effectiveness of its dispute resolution systems.

The Kentucky SEA has increased parental awareness regarding the state dispute resolution system through more information and training. Tracking forms within the complaints and due process systems have been improved. The SEA will also be implementing facilitated IEPs as an early conflict resolution strategy and a way to improve the overall IEP process. To better balance the due process training both hearing responsibilities and special education content are now included.

As a result of a Consent Decree, the Arizona SEA has changed its dispute resolution policies, improved its tracking, increased information available on its Website, trained school personnel in conflict resolution and dispute resolution, and hired more complaint investigators. An Early Dispute Resolution program has been introduced. The SEA is concerned that mediation sessions should be informal forums of discussion and conflict resolution. Therefore, the SEA is considering a policy change that would ban attorneys from participating in mediations. A shift to a 1-tier rather than a 2-tier due process hearing system is also being explored.

Subsequent to OSEP monitoring, the Colorado SEA revised its state special education rules and completed the OSEP eligibility documents and a stakeholder survey. A special education law website has been created and dispute resolution databases created and maintained. The SEA is not anticipating changes in the near future within its dispute resolution system unless IDEA reauthorization requires changes.

During the past three years, the Alabama SEA has made ongoing refinements to make its dispute resolution system more efficient. The SEA mediators will continue to refine the process in the future. The SEA has used the CADRE survey to help identify areas of system refinement. The internal complaint investigators and dispute resolution coordinators meet annually to identify needed changes (e.g., use of the CADRE survey as a self-assessment). The SEA is also considering an independent review of its dispute resolution systems.

### ***3. What kinds of students (type of disability, age, and sex) are involved in dispute resolution?***

#### ***Type of Disability***

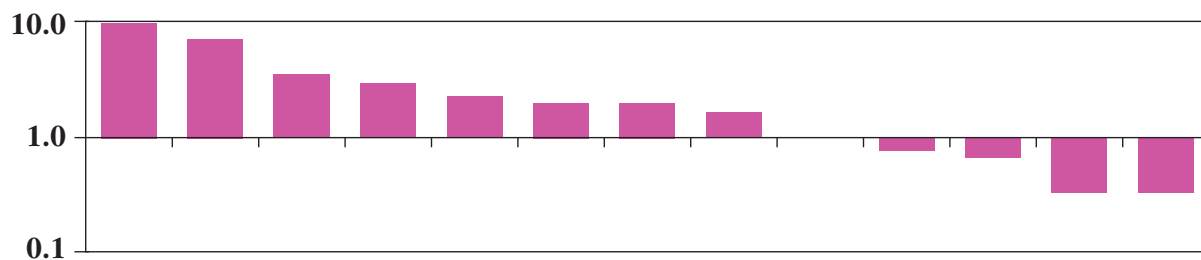
Table 3 provides an overview of the types of disabilities associated with dispute resolution requests from four of the seven participating states (three high ratio and one low ratio). It gives the sample frequency for the student's disability in each dispute resolution case and the national prevalence in special education enrollment for each disability. As can be observed from Table 3 and Figure 3 disputes more frequently involve students with autism, deaf-blindness, emotional disturbance, hearing impairment, multiple disabilities, and traumatic brain injury. The disabilities of specific learning disabilities and speech/language impairment are under-represented in the use of dispute resolution, when compared to their prevalence in the overall population.

**Table 3. Type of disability, count, percent requesting dispute resolution assistance, and national disability category prevalence.**

Type of Disability	Count for Sample States	Sample Frequency - Percent	National Prevalence - Percent <sup>2</sup>
Autism	528	11.7	1.1
Deaf-Blindness	12	0.3	0.1
Developmental Delay	4	0.1	0.3
Emotional Disturbance	879	19.6	8.2
Hearing Impairments	117	2.6	1.3
Mental Retardation	463	10.3	10.8
Multiple Disabilities	308	6.9	2.0
Orthopedic Impairments	42	0.9	1.3
Other Health Impairments	326	7.3	4.5
Specific Learning Disabilities	1437	32.0	50.5
Speech/Language Impairments	272	6.1	19.2
Traumatic Brain Injury	62	1.4	0.2
Visual Impairments	45	1.0	0.5
<b>Total</b>	<b>4,495</b>	<b>100.0</b>	<b>100.0</b>

<sup>2</sup> OSEP Annual Report for 1999-2000 child count (ages 6-21) from 50 states.

**Figure 3. Ratio of dispute resolution cases (DRC) to national incidence (NI) – DRC/NI.**



### *Age of Student*

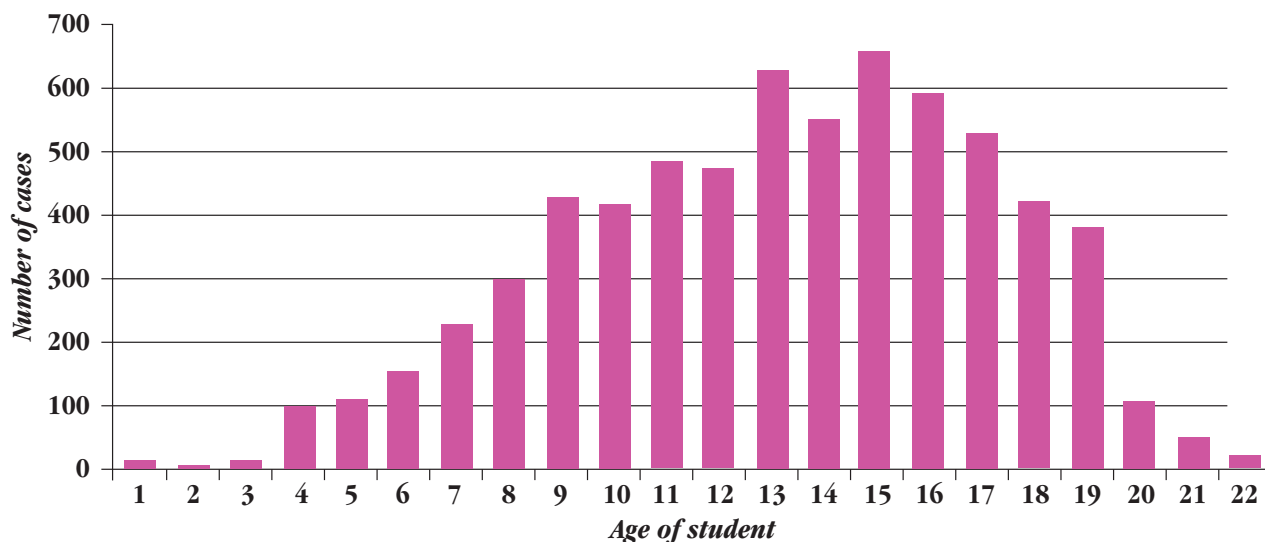
Table 4 shows that the dispute resolution cases are distributed across the age of students so that the maximum numbers occur between 11 and 15 years of age. Approximately one third of the total dispute resolution cases involve 7 to 11 year old students (32 percent) as well as 12 to 15-year-old students (37 percent). This compares to 9.6 percent of the total dispute resolution cases occurring in children birth to 6, and 21.3 percent involving students 16 to 21 years. The three high ratio states contribute to these totals. The low ratio states did not have age data in their databases. Figure 4 provides a graphic presentation of the age data.

**Table 4. Age of students involved in dispute resolutions.**

<b>Age</b>	<b>Count</b>	<b>Percent</b>
0	16	0.2
1	3	0.0
2	17	0.3
3	101	1.5
4	111	1.7
5	153	2.3
6	231	3.5
7	300	4.6
8	429	6.5
9	422	6.4
10	483	7.3
11	477	7.2
12	635	9.6
13	547	8.3
14	662	10.1
15	593	9.0
16	532	8.1
17	421	6.4
18	284	4.3
19	104	1.6
20	39	0.6
21	25	0.4
<b>Total</b>	<b>6585</b>	<b>100.0</b>



**Figure 4. Number of dispute resolution cases by age of student.**



**Sex of Student**

Special education programs have typically had more male than female students. Consequently, more male students than female students with disabilities are involved in disputes. Nearly three-fourths (73 percent) of the dispute resolutions within the sample states involved male students, compared to 27 percent for females.

**4. What kinds of issues [subject(s)] of complaint, allegations, and violation have been addressed by dispute resolution (i.e., complaints, mediations, and due process hearings) over time?**

**Is there a trend in the kind of issues raised?**

Dispute issues were found in the database for 6,888 cases (1,230 in 1999, 2,624 in 2000, and 3,030 in 2001). The issues involved are listed in Table 5 for each of the three years with a numerical ranking. The issue rankings for 2001 are in ascending order beginning with #1 as the highest frequency or ranking. Dispute issues that tied in frequency have the same ranking. As can be seen by this information, Evaluation Process, Multiple Issues, and IEP Implementation have consistently ranked #1, #2, or #3 over the three years. FAPE – General ranked #4 in 1999 and 2001 and #6 in 2000. IEP/Multiple ranked #29.5 in 1999, #9 in 2000, and #5 in 2001. Another issue that has increased in prevalence is Placement – Multiple Issues, which ranked 46.5 in 1999, #7 in 2000, and #7.5 in 2001. Compensatory Education ranked #41 in 1999 and has increased to #17 in 2001. Appropriate Placement ranked #5 in 1999, #2 in 2000, and #9 in 2001. Least Restrictive Environment ranked #6 in 1999, but moved to #12 in 2000 and #14 in 2001 as a dispute resolution issue. IEP - General has gone down from a dispute resolution issue ranking of #15 in 1999, #14.5 in 2000, to #32.5 in 2001.

**Table 5. Number and rank of issues within disputes for 1999, 2000, and 2001.**

Issues	1999		2000		2001	
	Count	Rank	Count	Rank	Count	Rank
Evaluation Process	85	3	168	4	303	1
Multiple Issues	170	1	288	1	293	2
IEP Implementation	90	2	172	3	204	3
FAPE - General	84	4	142	6	181	4
IEP/Multiple Issues	8	29.5	96	9	168	5
Identification - General	58	7	83	10	138	6
IEP Process	37	11	152	5	132	7.5
Placement - Multiple	2	46.5	133	7	132	7.5
Appropriate Placement	79	5	205	2	115	9
Location of Placement	28	14	36	22.5	102	10
Private School Placement	43	9	39	20.5	99	11
Discipline, Behavior, Truancy, Manifestation Determinations	51	8	59	16	93	12
Extended School Year	23	17	55	17	90	13
Least Restrictive Environment	70	6	73	12	87	14
Other (including gifted, school policies, classroom observations, and school policies)	42	10	109	8	85	15
Eligibility	32	12.5	42	19	78	16
Compensatory Education	4	41	29	27.5	64	17
Procedural Safeguards	25	16	78	11	57	19
Appropriate Program/ Services	16	20	61	14.5	58	19
Placement/Multiple Issues	3	46.5	9	39.5	58	19
IEP Content	14	22	37	22.5	48	21
Funding/Tuition Reimbursement	32	12.5	40	20.5	45	23
Evaluation Timeliness	12	24	49	18	44	23
Evaluation - Independent	7	33	21	31	45	23
Related Services	11	25.5	28	27.5	40	25.5
Suspension/Expulsion	7	33	30	27.5	40	25.5
Related Services – Transportation	13	22	33	24	35	27
Student Records/Record Transfer and Release/ Record Access and Loss	6	36	20	31	28	28
Unilateral Placement, Stay-put, Expedited Alternative Education	11	25.5	22	31	26	29
Transition	13	22	9	39.5	24	30
Related Services – Multiple	0	57.5	7	39.5	16	31

*CONTINUED*

Issues	1999 Count	Rank	2000 Count	Rank	2001 Count	Rank
IEP – General	27	15	60	14.5	13	32.5
Reading	2	46.5	2	49.5	12	32.5
Class Size and Composition	7	33	7	39.5	10	34.5
Preschool	3	46.5	2	49.5	11	34.5
Procedural Safeguards/ Appropriate Services	6	36	5	45.5	7	36.5
Personnel – Appropriate and Sufficient Numbers	5	38.5	3	49.5	7	36.5
IEP/FAPE	17	19	3	49.5	5	40.5
IEP/Placement	9	29.5	9	39.5	5	40.5
FAPE/Evaluation	9	29.5	3	49.5	5	40.5
Evaluation/Program Placement	3	46.5	69	13	4	40.5
Evaluation - Re-Assessment	2	46.5	8	39.5	6	40.5
Related Services – Assistive Technology	2	46.5	6	45.5	6	40.5
FAPE/Appropriate Services	19	18	12	34	3	45
Identification/FAPE	10	27	4	45.5	3	45
Graduation/Exit Requirements	4	41	6	45.5	2	45
Evaluation/Appropriate Services	8	29.5	10	35.5	1	53.5
Placement/IEP	6	36	28	27.5	0	53.5
Evaluation/IEP Process	5	8.5	31	25	0	53.5
FAPE/Transition	4	41	1	56.5	0	53.5
Extended School Year/ Appropriate Placement	2	46.5	15	33	0	53.5
IEP/Evaluation	1	52.5	10	35.5	1	53.5
FAPE/Appropriate Placement	1	52.5	0	56.5	0	53.5
FAPE/Procedural Safeguards	1	52.5	0	56.5	0	53.5
LRE/Evaluation	1	52.5	0	56.5	0	53.5
IEP/Procedural Safeguards	0	57.5	3	49.5	0	53.5
FAPE/Placement	0	57.5	1	56.5	0	53.5
Identification/Related Services - Transportation	0	57.5	1	56.5	0	53.5
Appropriate Services	0	57.5	1	56.5	0	53.5
Evaluation/Eligibility	0	57.5	0	56.5	1	53.5
<b>Totals</b>	<b>1,230</b>		<b>2,624</b>		<b>3,030</b>	

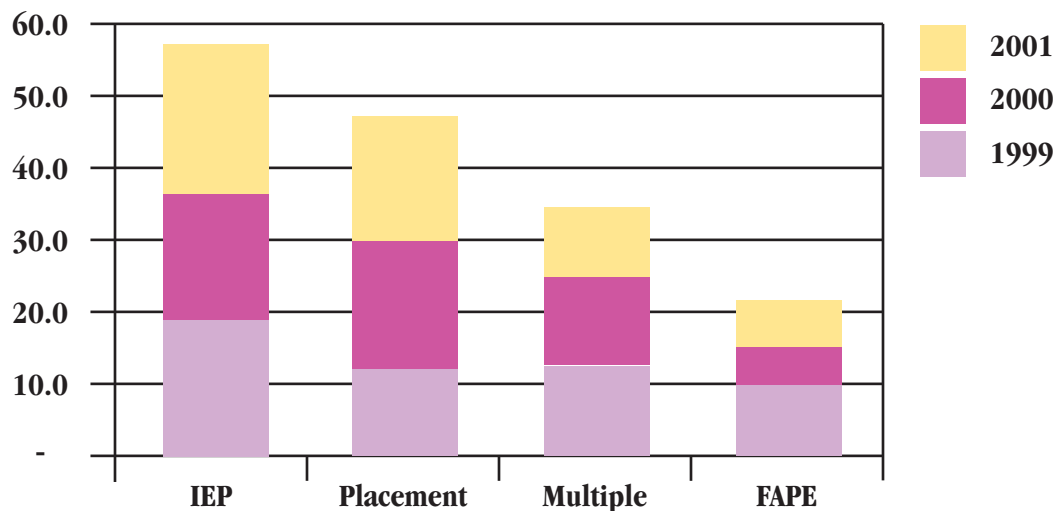
In order to determine the trends in dispute issues for 1999, 2000, and 2001, all of the dispute resolution cases were tallied using broader categories and percentages were calculated for the five most frequent dispute areas. Table 6 shows that the most frequent overall disputes issues (i.e., at least 9 percent of the total disputes for at least

one year) for 1999, 2000, and 2001 were: IEP, Identification and Evaluation, Placement, Multiple Issues, and Free Appropriate Public Education (FAPE). In all three years, these overall dispute issues were about 70 percent of the total dispute cases. A review of the percentages of the most frequently found issues identified for the three years shows that there is a slight increase in IEP, Identification/Evaluation, and Placement issues from 1999 to 2001. A decrease was found in FAPE and Multiple Issues. Figure 5 gives a pictorial of these percentages for the years examined.

**Table 6. Frequency counts of dispute issues during 1999, 2000, and 2001.**

Issue	Frequency Counts						
	1999		2000		2001		Total - 3 Years
	#	%	#	%	#	%	Total #
Identification and Evaluation	222	18.0	486	18.5	623	20.6	1,331
IEP	203	16.5	542	20.7	576	19.0	1,321
Placement	161	13.1	450	17.1	506	16.7	1,117
Multiple Issues	170	13.8	288	11.0	293	9.7	751
FAPE	118	9.6	159	6.1	189	6.2	466
<b>Total</b>	<b>874</b>	<b>71.0</b>	<b>1,925</b>	<b>73.4</b>	<b>2,187</b>	<b>72.2</b>	<b>4,986</b>

**Figure 5. Percent of dispute resolution types by year.**



**5. How extensive is the State's mediation system? Is there a continuum of mediation offered (i.e., before and following due process hearing request, including conciliation, conflict resolution, etc.)? -[This is a context variable].**

The respondents were asked whether the continuum of dispute resolutions has been expanded beyond the traditional formal complaints resolution, mediations, and due process hearings. Table 7 displays the range of additional dispute resolution options that have been implemented within the seven states.

### ***Early Resolution Strategies***

Pre-hearing conferences have been implemented in both Pennsylvania and Kentucky. Early resolution strategies have been implemented in Pennsylvania, Kentucky, and Arizona. For example, the Pennsylvania SEA has focused on identifying and implementing early resolution strategies such as the ConsultLine, which is a telephone service for parents and educators to provide information and assistance to facilitate resolution of differences. IEP facilitation, informal conferences, conflict resolution training, and early resolution of disputes with a facilitator have also been implemented. The Arizona SEA contracts with facilitators to resolve conflicts within the first 10 days of complaint investigations. Staff in the Maine and Colorado SEAs perform this function with parental contacts to help resolve issues. Kentucky and Alabama provide conflict resolution workshops for parents and school personnel using statewide conferences.

### ***Parent Support Strategies***

The Arizona SEA has implemented a number of activities to support parents in resolving issues with school personnel. For example, Arizona's Parent Training and Information Center (PTI) and the Arizona Center for Disability Law make concerted efforts to assist parents in conflict resolution. Advocacy organizations within Colorado also provide conflict resolution assistance for parents. The Arizona SEA has also implemented a Parent Information Network to provide information for parents to assist in resolving concerns. A second parent resource (Enhancing Arizona's Parent Network or EAPN) has been implemented.

***Table 7. Description of Expanded Dispute Resolution Strategies.***

<b>State</b>	<b>Expansion of Dispute Resolution Continuum</b>
<b>Pennsylvania</b>	<ul style="list-style-type: none"> <li>• ConsultLine's call resolution process for parents and educators.</li> <li>• Informal conferences.</li> <li>• Pre-hearing conferences.</li> <li>• Early resolution of disputes with facilitator.</li> <li>• IEP facilitation.</li> <li>• Training available in dispute resolution techniques for parents and educators.</li> </ul>
<b>Connecticut</b>	<ul style="list-style-type: none"> <li>• Advisory opinions.</li> </ul>
<b>Maine</b>	<ul style="list-style-type: none"> <li>• Early resolution by SEA staff through contacts with parents or LEA.</li> </ul>
<b>Kentucky</b>	<ul style="list-style-type: none"> <li>• Expedited due process hearings.</li> <li>• Pre-hearing conferences.</li> <li>• Early complaint resolution system.</li> </ul>
<b>Arizona</b>	<ul style="list-style-type: none"> <li>• Early resolution is encouraged by the SEA.</li> <li>• The PTI and Arizona Center for Disability Law help parents resolve concerns.</li> <li>• Early Dispute Resolution provides contracted facilitators to help resolve differences within the first 10 days of complaint resolution.</li> <li>• SUPPORT Cadre provides peer assistance on issues such as dispute resolution.</li> <li>• Parent Information Network provides information for parents.</li> <li>• Enhancing Arizona's Parent Network (EAPN) to provide collaboration across organizations, parent groups, and agencies.</li> </ul>
<b>Colorado</b>	<ul style="list-style-type: none"> <li>• SEA works with advocacy and parent organizations to get parents in touch with them for information and assistance.</li> <li>• Parents encouraged to work with their LEA to resolve the dispute.</li> </ul>
<b>Alabama</b>	<ul style="list-style-type: none"> <li>• State sponsored workshops/conferences with presentations on legal issues and conflict resolution.</li> </ul>

**6. Are there differences in mediations that are held independent of due process hearing requests compared to those offered as an alternative to due process hearings (e.g., types of issues involved, number of mediations resulting in agreements, and who requested and who rejected mediation)?**

All of the seven participating states indicated that mediations are administered in the same manner, whether or not they are linked to due process hearing requests. Some states indicated that mediation cases were linked to due process hearings in their databases and others did not. For purposes of this study, mediation cases that were filed the same day as a due process hearing or within the following 30 days were considered linked. A review of the mediation cases that were filed after hearing requests found that the 30-day cut-off appeared to identify almost all of the cases that were identifiable as linked to a due process hearing with very few cases falling beyond the 30-day range.

State outcomes for mediation were placed into five categories. Declined cases are those when parents or the school at the outset decide not to mediate. Dismissed cases occur when the state decides the case is not a valid issue for IDEA dispute resolution, the plaintiffs do not respond, or the case is not legally constituted. Mediated cases culminate in agreements. Unsuccessful cases occur when mediation fails to produce an agreement. Withdrawn cases are initiated by the plaintiffs and reflect the discontinuation of the mediation case. Reasons for withdrawing include reaching a local agreement outside of mediation, obtaining a due process hearing or complaints decision, dissatisfaction with the process, and/or the perception that the issues are not viable.

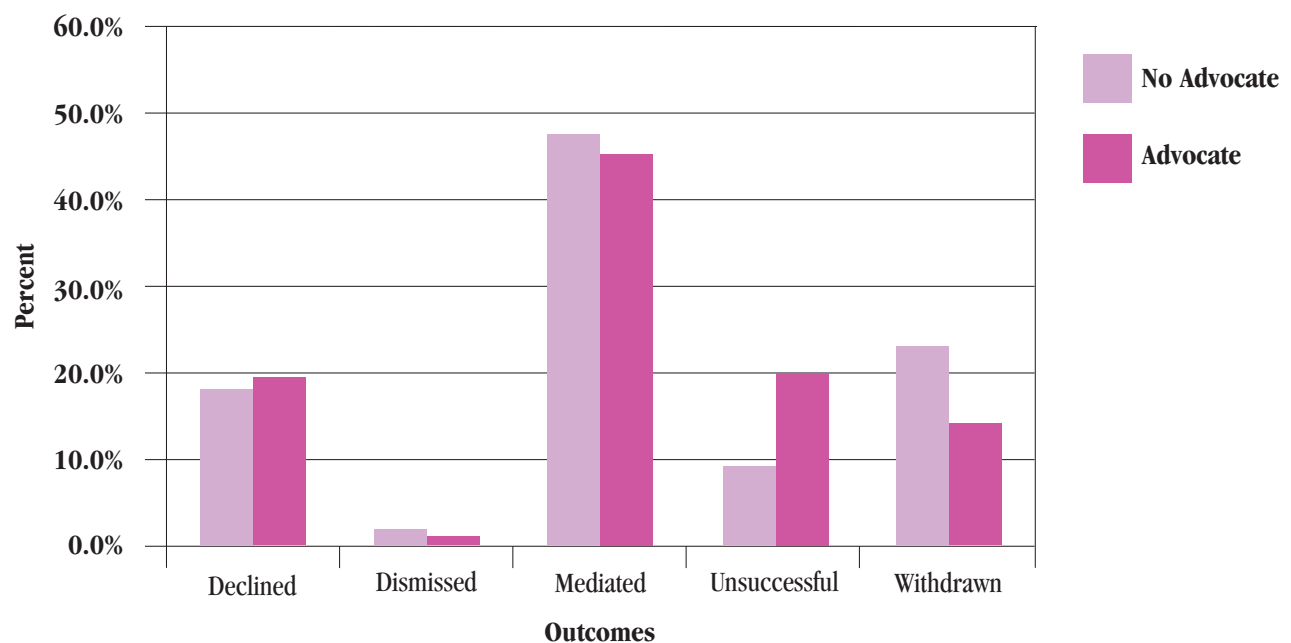
Table 8 shows that the dynamics involved in mediation cases linked and not linked to due process hearing requests appear to be somewhat different. Both have about a 40+ percent chance of reaching agreement. Fewer linked cases are withdrawn and more are unsuccessful. Linked cases also appear to have a greater chance of being declined.

**Table 8. Outcomes for mediation cases linked and not linked to due process hearing.**

Relation to Due Process	State Outcome	Estimated Count for Low Ratio States	Estimated Count for High Ratio States	Estimated National Totals	Percent
Not Linked	Declined	286	1,372	1,658	11.8
Not Linked	Dismissed	126	20	146	1.0
Not Linked	Mediated	1,908	4,138	6,046	43.0
Not Linked	Unsuccessful	274	1,018	1,292	9.2
Not Linked	Withdrawn	1,029	3,890	4,918	35.0
<b>Subtotal</b>		<b>3623</b>	<b>10438</b>	<b>14060</b>	<b>100.0</b>
Linked	Declined	286	475	761	14.7
Linked	Dismissed	11	7	18	0.3
Linked	Mediated	651	1955	2,606	50.2
Linked	Unsuccessful	137	723	860	16.6
Linked	Withdrawn	240	703	943	18.2
<b>Subtotal</b>		<b>1,326</b>	<b>3,863</b>	<b>5,189</b>	<b>100.0</b>

Pennsylvania does not allow attorneys at mediations. Another of the seven states did not have information about the presence of attorneys/advocates at mediations in their database. Using the remaining five states, Figures 6 and 7 have been constructed to determine if linkage and attorney and/or advocacy may have an impact upon the mediation outcome. The highest percentage of unsuccessful mediations was when attorneys/advocates were present and the case was linked to due process hearings. Conversely, this also produced the highest percent of successfully mediated cases. Maximum withdrawn cases occurred when there was no linkage with due process hearing and no attorney/advocate involved.

**Figure 6. Unlinked Mediation Request Outcome with and without Advocates**



### **Results Related to Analysis Questions**

#### **7. Of the total number, how many formal complaints, mediations, hearings have been filed/requested versus those that have been actually investigated and closed?**

There are substantial differences in outcomes recorded by the participating states for the three types of dispute resolution. Table 9 shows that about 71 percent of complaints reach a state decision, over 50 percent of the mediations result in a mediation agreement, and about 19 percent of due process hearings reach a hearing decision. The above finding of 71 percent of complaints resulting in a state decision appears contrary to a finding in the SEEP (2003) study, which concluded that SEAs dismissed nearly 80 percent of complaints against school districts during 1998-1999. Further, as shown in Table 9, data gathered showed that parents are the prevailing parties in 72 percent of complaint investigations. These differences may be influenced by a variety of factors including those associated with strategies used to settle or seek favorable resolution to disputes prior to reaching a formal decision. They may also result from differences in the study methodologies used by SEEP (survey of districts) and CADRE (review of actual state records of written complaints).

**Table 9. Types of dispute resolution and outcomes.**

Type	State Outcome	Count	Percent
Complaint	Decision	1,862	71.2
Complaint	Declined	252	9.6
Complaint	Dismissed	59	2.3
Complaint	Withdrawn	444	17.0
<b>Subtotal</b>		<b>2,617</b>	<b>100.0</b>
Due Process Hearings	Decision	755	18.7
Due Process Hearings	Dismissed	261	6.4
Due Process Hearings	Withdrawn	3,032	74.9
<b>Subtotal</b>		<b>4,048</b>	<b>100.0</b>
Mediation	Declined	327	14.2
Mediation	Dismissed	17	0.7
Mediation	Mediated	1,160	50.5
Mediation	Unsuccessful	307	13.4
Mediation	Withdrawn	811	35.3
<b>Subtotal</b>		<b>2,295</b>	<b>100.0</b>

**8. Why do cases not reach closure in the formal state dispute resolution system? To what extent is this attributable to local involvement of the school districts and parents who resolve issues without following the formal dispute process to its conclusion? What are the other causes and their frequency of occurrence?**

Of the 128 cases interviewed in the satisfaction survey, 28 disputes were withdrawn for a variety of reasons. The most prevalent reason (46 percent of the time) for withdrawing involved local resolution. Local resolution was achieved in IEP meetings, team intervention, school official participation, and/or another early resolution activity. Settlement agreements were the second most frequently occurring category with 11 percent of the withdrawn cases solved in this way. The rest of the reasons are many with none of them making a large significant contribution to withdrawn cases. These include personal reasons, request filed in the wrong district, policy change resolved the problem (state level), student not eligible for special education, family moved, and request withdrawn to use due process hearing procedures.

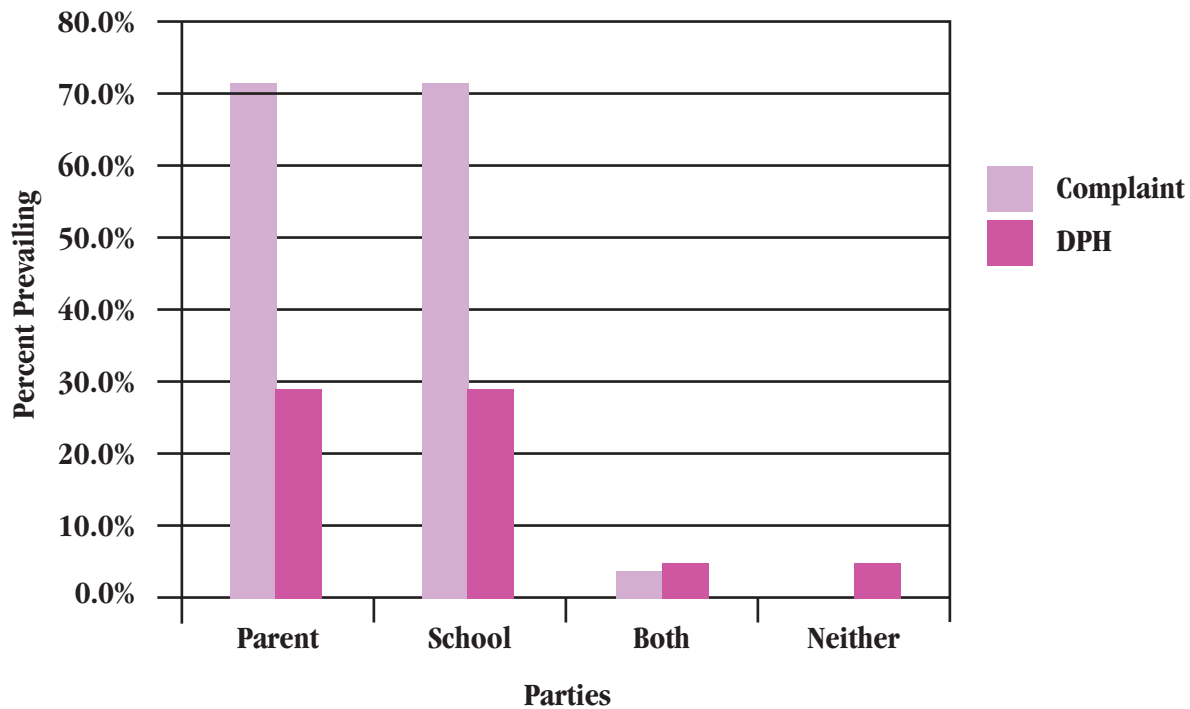
**9. Of the total number of formal complaints and hearings that reach conclusion, which were the prevailing parties?**

Prevailing parties were not always recorded in some of the participating state databases. Figure 8 shows data available on prevailing parties. The data suggest that parents have a greater chance of prevailing in a complaint decision than a due process hearing. Parents receive a favorable decision in 71.9 percent of the complaints that reach a decision or corrective actions, while they prevailed in only 28.6 percent of the due process hearing decisions. Schools prevailed in 24.2 percent of complaints and 59.0 percent of due process hearing cases. Split decisions



between both parties were not found to be very frequent (3.9 percent for complaints and 5.4 percent for due process hearings). One state recorded when both parties did not prevail in due process hearings (7.0 percent).

**Figure 8. Prevailing Parties for Complaints and Due Process Hearings (DPH)**



**10. What is the extent of process and outcome satisfaction for each of the dispute resolution processes? How much is satisfaction related to process and how much to outcome? Is satisfaction impacted by how well the required corrective actions or agreements ameliorate the original issues and generate desired improvements in service delivery?**

As discussed earlier, a mail and telephone survey was conducted from randomly selected parents and school officials to gather satisfaction data. The addresses and telephone numbers for the parent participants were often out-of-date and, therefore, a good portion of the parents could not be located. At the district level, staff had often moved on to other employment and were, thus, not available. Considering this, the return rate of 51.2 percent for parents and administrators combined would be a much higher rate if only those with current addresses or telephone numbers were used as the denominator. While the numbers reflected in Tables 10 to 15 are small, they represent randomly selected individuals, and statistical tests have been run determine significance where wide differences appear.

In the satisfaction survey, both parents and school officials were asked to give an overall rating for the dispute resolution case they were involved in and then asked to rate the case on their satisfaction with the procedures and outcome (e.g., decision, agreement, settlement, or disposition of won/lost). It was thought that perhaps the overall rating would be related to procedural and outcome satisfaction. For the analyses below, rankings of no opinion and neutral were removed from the sample to provide a clear picture of the relationship. Neutral ratings were given by only a few of the respondents.

For parents, the procedural and overall ratings were related as shown in Table 10. A Fisher Exact Probability of  $P = .005$ , calculated using the total cells at the bottom of the chart, produced a statistically significant difference. If parents gave an overall rating of unsatisfactory, they were very likely to also rate the procedures (organization and timeliness) as unsatisfactory. Conversely, if their overall rating was satisfactory so was the procedural rating.

**Table 10. Parent overall ratings of their satisfaction and their ratings of procedural satisfaction.**

Parents		
Overall Rating by Resolution Type	Procedural Satisfaction	
<b>Due Process Hearings</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	2	1
High Satisfaction	0	6
<b>Mediation</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	4	2
High Satisfaction	1	3
<b>Complaints</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	4	0
High Satisfaction	1	3
<b>Dispute Resolution Systems - All</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	10	3
High Satisfaction	2	12

For school officials, the procedural and overall ratings were related as shown in Table 11. A Chi-square ( $X^2 = 12.4$ ), calculated on the total cells at the bottom of the chart, produced a statistically significant finding with a  $p < .001$ . School officials within the sample were unsatisfied, as shown by both the overall rating performance of the dispute resolution process and the procedures (organization and timeliness). Very few expressed satisfaction with both.

**Table 11. School official ratings of their satisfaction with the dispute resolution process and their ratings of procedural satisfaction.**

School Officials		
Overall Rating by Resolution Type	Procedural Satisfaction	
<b>Due Process Hearings</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	14	1
High Satisfaction	0	2
<b>Mediation</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	14	0
High Satisfaction	1	0
<b>Complaints</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	4	0
High Satisfaction	0	1
<b>Above Dispute Resolution Systems</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	32	1
High Satisfaction	1	3

There is also a relationship between ratings of overall satisfaction and the dispute resolution outcome [for parents,  $X^2 = 18.2$ ;  $p < .001$ ; and for school officials,  $X^2 = 9.5$ ;  $p < .01$ ]. Tables 12 and 13 provide a review of responses to the two survey questions by parents and school officials. School officials were again noticeably more restrained in their enthusiasm for dispute resolution processes (Table 13).

**Table 12. Parent ratings of their overall satisfaction with the dispute resolution process and its outcome.**

Parents		
Overall Rating by Resolution Type	Outcome Satisfaction	
<b>Due Process Hearings</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	4	0
High Satisfaction	1	6
<b>Mediation</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	3	1
High Satisfaction	0	8
<b>Complaints</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	4	0
High Satisfaction	1	5
<b>Dispute Resolution Systems - All</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	11	1
High Satisfaction	2	19

School officials also rated their overall effectiveness of the dispute resolution as it relates the outcome (e.g., decision, agreement, or settlement). Table 13 below shows school officials responses to the survey questions.

**Table 13. School official ratings of their overall satisfaction with the dispute resolution process and its outcome such as decision, agreement, or settlement.**

School Officials		
Overall Rating by Resolution Type	Outcome Satisfaction	
<b>Due Process Hearings</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	10	1
High Satisfaction	1	1
<b>Mediation</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	9	0
High Satisfaction	0	2
<b>Complaints</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	5	1
High Satisfaction	0	1
<b>Above Dispute Resolution Systems</b>	<b>Not Satisfied</b>	<b>Satisfied</b>
Low Satisfaction	24	2
High Satisfaction	1	4

As can be seen by Table 13 above, nearly all the school officials reported dissatisfaction with the dispute resolution procedures (complaints, mediation, and due process). Following is a brief summary of some of their concerns:

### ***Complaints Resolution***

- SEA and/or contracted staff do not appear to be trained to investigate complaints.
- Complaints investigators sometimes are not sensitive to the realistic capability of school systems to resolve parental issues.

### ***Mediation***

- Parents sometimes do not understand what issues are appropriate to mediate.
- Attorneys do not often facilitate agreement and the process becomes too formal.
- Local special education directors do not have enough training in mediation.
- Mediators do not have a legal base, so agreements don't get implemented.
- Parents are often overwhelmed by the mediation process.
- Mediations are often filed only because they are a "gate keeper" to due process hearings.

### ***Due Process Hearings***

- Parents often go directly to due process hearings without seeking early resolution of differences.
- Hearing officers are sometimes not trained in special education and, therefore, do not render realistic decisions. Hearing officers need a better understanding of "appropriate", as compared to "optimal" school-based services and other recommendations.
- Hearings are too lengthy — need limits.
- Attorneys receive fees as part of settlements; therefore, it is to their benefit to go to hearings.

Both process and outcomes play significant roles in the overall evaluation of cases. Both appear to contribute substantially to the overall satisfaction assessment of dispute resolution experiences.

## ***11. Is there a relationship between successful resolution of issues and specific formal dispute resolution processes?***

In the satisfaction survey, more school officials than not, report that the dispute resolution processes did resolve the issue(s) in their dispute (Table 14). School official respondents tended to favor due process hearings as the process most likely to assist in issue resolution. Parents disliked both complaints and mediation as processes for resolving issues and were evenly split on the effectiveness of due process hearings. Selected reasons that parents disliked dispute resolution processes are discussed below.

### ***Complaints Resolution***

- Changes did not occur following the complaint decision.
- Despite the decision, the school still fails to recognize how to teach a child with learning disabilities.
- Still have to beg for everything my child needs.
- There was not change — had to go to due process.

**Mediation**

- The school agreed to make changes in front of others during the mediation, but did not follow through.
- There were not qualified persons to comprehensively evaluate my child.
- Smaller class sizes and better instructions to the bus drivers did not occur as was expected.
- Had to move my child to a new teacher to get help for his needs.

**Due Process Hearings**

- There are issues that were not addressed.
- The program never changed.
- Programs for high functioning autistic children are not available.
- The problems were not resolved — had to enroll my child in a private school.
- My child is still in the same class with the same teacher.
- The school offered us the exact same program as before, and the same problems occurred again.

**Table 14. Satisfaction with dispute resolution process resolution of issues.**

School Officials			
Was issue(s) resolved by dispute resolution process?	Due Process Hearings	Mediation	Complaints
Yes	17	7	4
No	9	6	3
Don't Know	2	1	2
Parents			
Yes	9	2	5
No	9	9	9
Don't Know	2	1	0

Table 15 below contains a tally of the satisfaction survey responses to a question asking if the respondent would be willing to use the dispute resolution process again. Parents appear to be somewhat reluctant, with about a third of them not willing to use the same dispute resolution process over again. Mediation appears to have the largest proportion of parents unwilling to use it again. This is consistent with their turning to other dispute resolution processes when returning for a second dispute resolution effort (Table 16) and the findings in Table 14 above.

Parents who were not willing to use the process again were asked why. Reviewing the responses of those saying no to using mediation again found that solutions hammered out in the agreement ultimately did not work, or were not implemented. Consequently, they felt their mediation efforts were not successful. The same applied to those who would not use complaints again. Their feeling was that the complaint decision/corrective actions did not produce desirable change for their child.

**Table 15. Willingness to use the same dispute resolution process again.**

Client	Recommend use of dispute resolution process again	
	Yes	No
Parent		
Complaints	7	4
Mediation	7	5
Due Process Hearings	7	2
<b>Subtotals</b>	<b>21</b>	<b>11</b>

**12. How many dispute resolution cases involve students who have been subject to previous dispute resolution efforts? Are there patterns of use?**

The subsequent use of dispute resolution services may reflect one's experience with the prior procedures. Table 16 provides an overview of the combinations of selections that can be made and how frequently they were used within the sample states. Many cases that first used hearings used them again the second time. The same appears to be true for complaints, while those who used mediation first had a tendency to move to due process hearings.

**Table 16. The first, second, and third selection of types of dispute resolution procedure.**

Dispute 1	Dispute 2	Dispute 3	Count
Complaint	Complaint	Complaint	27
Complaint	Complaint	Due Process Hearing	15
Complaint	Complaint	Mediation	10
<b>Subtotal - # of Cases</b>			<b>52</b>
Complaint	Due Process Hearing	Complaint	12
Complaint	Due Process Hearing	Due Process Hearing	27
Complaint	Due Process Hearing	Mediation	7
<b>Subtotal - # of Cases</b>			<b>46</b>
Complaint	Mediation	Complaint	7
Complaint	Mediation	Due Process Hearing	13
Complaint	Mediation	Mediation	6
<b>Subtotal - # of Cases</b>			<b>26</b>
Due Process Hearing	Complaint	Complaint	18
Due Process Hearing	Complaint	Due Process Hearing	28
Due Process Hearing	Complaint	Mediation	7
<b>Subtotal - # of Cases</b>			
Due Process Hearing	Due Process Hearing	Complaint	14
Due Process Hearing	Due Process Hearing	Due Process Hearing	48
Due Process Hearing	Due Process Hearing	Mediation	14
<b>Subtotal - # of Cases</b>			<b>76</b>

Dispute 1	Dispute 2	Dispute 3	Count
Due Process Hearing	Mediation	Complaint	8
Due Process Hearing	Mediation	Due Process Hearing	25
Due Process Hearing	Mediation	Mediation	7
<b>Subtotal - # of Cases</b>			<b>40</b>
Mediation	Complaint	Complaint	15
Mediation	Complaint	Due Process Hearing	13
Mediation	Complaint	Mediation	5
<b>Subtotal - # of Cases</b>			<b>33</b>
Mediation	Due Process Hearing	Complaint	21
Mediation	Due Process Hearing	Due Process Hearing	30
Mediation	Due Process Hearing	Mediation	12
<b>Subtotal - # of Cases</b>			<b>63</b>
Mediation	Mediation	Complaint	4
Mediation	Mediation	Due Process Hearing	18
Mediation	Mediation	Mediation	8
<b>Subtotal - # of Cases</b>			<b>30</b>

Table 17 below provides an overview of re-utilization of the same process or switching to another dispute resolution process. As can be seen in this Table, there is a stronger tendency to return to due process hearings and complaint procedures than mediation. Why mediation has a return of less than 24 percent, while both complaints and due process hearings are over 40 percent may have a logical explanation when viewed in combination with other findings presented in this paper such as the failure of some mediation agreements to ameliorate the original issue.

**Table 17. Staying with the same dispute resolution process or moving to another with the second utilization of dispute resolution procedures.**

First Dispute Resolution Process	Second Dispute Resolution Process	Count	Percent
Complaint	Complaint	52	41.9
Complaint	Other	72	58.1
<b>Subtotal</b>		<b>124</b>	<b>100.0</b>
Mediation	Mediation	30	23.8
Mediation	Other	96	76.2
<b>Subtotal</b>		<b>126</b>	<b>100.0</b>
Due Process Hearings	Due Process Hearings	76	45.0
Due Process Hearings	Other	93	55.0
<b>Subtotal</b>		<b>169</b>	<b>100.0</b>

**13. How was mediation offered (before due process request; after, in response to request for mediation from a party)? Who requested mediation and, if rejected, who rejected?**

Table 18 reflects the willingness of parents and schools to mediate and resolve issues independent of the formal mediation process. Results indicate that parents are more willing to mediate than school officials. Data show that the initial response to accept mediation efforts is not always indicative of the following course of activities. As shown in Table 18, many schools initially refused to mediate; however, they later mediated the case. Schools that also refused to mediate many times ended up withdrawing the case or mediating unsuccessfully.

**Table 18. Mediation outcomes by willingness to mediate.**

State Outcomes	Parent Accepted Mediation	School Accepted Mediation	Count
Declined	True	False	133
Declined	False	True	86
Declined	False	False	98
Dismissed	True	True	11
Dismissed	True	False	2
Dismissed	False	True	1
Dismissed	False	False	3
Mediated	True	True	416
Mediated	True	False	616
Mediated	False	True	59
Mediated	False	False	69
Unsuccessful	True	True	98
Unsuccessful	True	False	169
Unsuccessful	False	True	16
Unsuccessful	False	False	24
Withdrawn	True	True	100
Withdrawn	True	False	572
Withdrawn	False	True	72
Withdrawn	False	False	67

**14. What kinds of issues are effectively resolved through each dispute resolution process?**

Table 19 provides an overview of the percent of cases involving various issues that were brought to a successful conclusion through mediation or decision. Blank cells in Table 19 indicate that there are 10 or less cases involving the issue. Small numbers have a tendency to occasionally exaggerate percentages and, as a consequence, calculations using them were not made.

Complaints involving LRE reach decisions 82.1 percent of the time, while those involving Appropriate Placement only reached decisions 50.0 percent of the time. For mediation, there is greater variation with agreements reached 69.6 percent of the time for Independent Evaluation and 13.6 percent of the time for Procedural Safeguards.



The extensive range observed in mediation may be indicative of the different difficulties encountered when bringing various issues to agreement. Only about 18 percent of the due process hearings reach a decision. Consequently, the proportions are smaller for due process hearing issues. For Suspension and Expulsion, 32.0 percent of due process cases reached a decision, while for IEP Implementation, only 9.4 percent reached a decision.

**Table 19. Percent of cases successfully mediated or brought to a decision by type of issue(s) involved.**

Issues	Percent Reaching Decision or Mediated		
	Complaints	Mediation	Due Process
Appropriate Program	66.2	53.3	21.4
Class Size	65.2		
Compensatory Education		16.7	20.7
Behavior, Discipline, Truancy, Manifestations, Alternative Educational Placement	66.2	46.7	19.5
Independent Evaluation		69.6	11.6
Eligibility	83.3	44.6	26.6
Re-Assessment	84.6		
Extended School Year	56.0	63.0	23.5
Evaluation Timeliness	74.7		
Evaluation Process	65.0	47.7	21.6
FAPE	78.	50.0	10.3
FAPE/Appropriate Services		41.2	11.1
Funding		61.5	19.2
Identification	72.8	36.0	18.4
IEP – General	69.2		
IEP Content	79.2	64.7	21.1
IEP Implementation	68.7	52.5	9.4
IEP/Multiple Issues		37.1	24.6
IEP/Appropriate Program	71.2	46.4	21.4
Least Restrictive Environment	82.1	52.0	16.8
Multiple Issues	57.2	42.6	18.5
Other	72.2	47.6	11.8
Placement		54.3	29.5
Appropriate Placement	50.0	33.3	21.0
Appropriate Placement - Multiple		20.0	24.0
Placement - Location		36.5	14.1
Placement/Appropriate Program		45.6	23.9
Placement/Multiple Issues		32.7	15.3
Procedural Safeguards	72.6	13.6	20.0
Student Records	61.5		
Related Services	85.4	45.5	29.4
Related Services - Transportation	64.0	47.5	21.7
Suspension/Expulsion	65.8	50.0	32.0
Transition	65.0	61.1	22.2
Unilateral Placement, Stay Put, Expedited Hearings		58.6	15.6

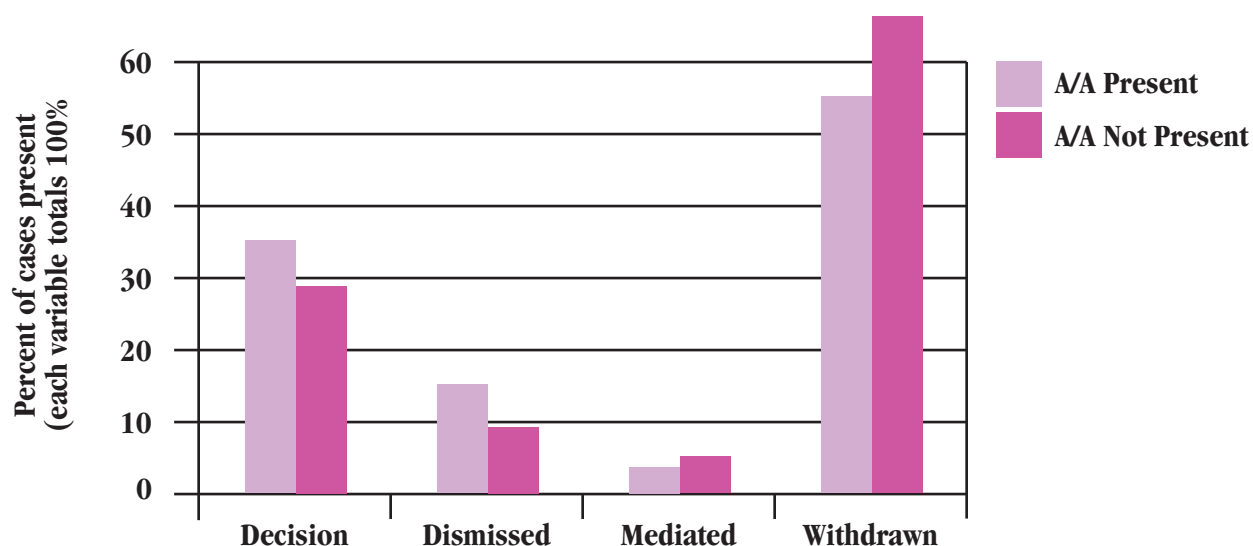
**15. Is there a relationship between successful mediations and the involvement of advocates within the mediation process?**

Pennsylvania does not allow attorneys at mediations. Consequently, the data below represent other states that captured the presence of attorney/advocates in their databases. Table 20 and Figure 9 show that the presence of an attorney/advocate does not impact the percent of cases reaching agreement. However, there appears to be a difference between cases that are withdrawn or are unsuccessful, with the presence of an attorney/advocate corresponding with more unsuccessful mediation attempt.

**Table 20. Comparison of results when an attorney/advocate is or is not present during the mediation process.**

State Outcomes	Attorney/Advocate Present	Count	Percent
Declined	Yes	76	13.4
Dismissed	Yes	3	0.5
Mediated	Yes	268	47.3
Unsuccessful	Yes	131	23.1
Withdrawn	Yes	88	15.5
<b>Subtotal</b>		<b>566</b>	<b>100.0</b>
Declined	No	97	19.0
Dismissed	No	10	2.0
Mediated	No	241	47.3
Unsuccessful	No	48	9.4
Withdrawn	No	114	22.4
<b>Subtotal</b>		<b>510</b>	<b>100.0</b>

**Figure 9. Cases by disposition when attorney/advocates are present or not present.**



**16. Is there a relationship between the prevailing parties and those due process hearings in which advocates have represented parents?**

Table 21 indicates that it is slightly to a parent’s advantage to have an attorney/advocate present in a due process hearing if they wish to reach a decision. It appears that parents representing themselves tend to withdraw a larger proportion of their cases and have fewer dismissed.

**Table 21. Final status of due process hearing cases and without attorney/advocate present.**

State Outcomes	Attorney/Advocate Present	Count	Percent
Decision	Yes	461	35.5
Dismissed	Yes	203	15.6
Mediated	Yes	43	3.3
Withdrawn	Yes	593	45.6
<b>Subtotal</b>		<b>1,300</b>	<b>100.0</b>
Decision	No	145	29.1
Dismissed	No	45	9.0
Mediated	No	25	5.0
Withdrawn	No	283	56.8
<b>Subtotal</b>		<b>498</b>	<b>100.0</b>

Table 22 gives information about prevailing parties and advocates. Findings show that schools are the prevailing party over half the time with or without attorneys/ advocates (50.8 percent and 74.6 percent respectively). Dispute resolution data across the seven participating states indicated that if parents utilize an attorney/advocate, they do increase their chances of prevailing (37.3 percent and 12.3 percent respectively). This may be, in part, due to the knowledge of the attorney/advocate regarding viable cases and issues.

**Table 22. Presence of an advocate/attorney and prevailing party in due process hearings.**

Attorney/Advocate Present	Prevailing Party	Count	Percent
Yes	Both	26	6.5
Yes	Neither	22	5.5
Yes	Parent	149	37.3
Yes	School	203	50.8
<b>Subtotal</b>		<b>400</b>	<b>100.0</b>
No	Both	5	4.4
No	Neither	10	8.8
No	Parent	14	12.3
No	School	85	74.6
<b>Subtotal</b>		<b>114</b>	<b>100.0</b>

**17. What percent of cases use one dispute resolution procedure (e.g., complaints resolution, mediation, or due process) and then utilize a second dispute resolution procedure(s) in an attempt to resolve the same or different special education/related services issue(s)?**

Cases that are the result of individuals filing more than one time accounted for 34.8 percent of the cases in the database. These individuals, filing multiple cases, account for 16.3 percent of the students identified in the study database. This high level of multiple case filings requires integrated databases that look across all formal dispute resolution processes to effectively manage these cases.

**18. If there is a difference among states in types and compensation for mediators used, does this make a difference in outcome?**

In Connecticut and Alabama, the mediators are internal SEA staff, while the remaining five participating states have contracted mediators. Contractual fees vary from approximately \$32/hour (\$250/day) in Pennsylvania, \$50/hour in Kentucky, and \$75/hour in Colorado. Within Maine, mediators are paid by the contractor within its overall contract (amount per hour not known).

The above differences across states are minimal and the dispute resolution data analyzed in the master database indicate no difference relative to outcomes recorded in the states' databases. While little difference was found between the participating states in the way mediators are compensated (none are volunteers or untrained persons/entities), there appears to be a difference between contracted and SEA internal mediators.

Table 23 provides us with a comparison of mediation provided by contracted sources (Pennsylvania, Maine, Arizona, Kentucky, and Colorado) and mediators internal to the SEA (Alabama and Connecticut). Results presented in Table 23 suggest that internal mediators may obtain more agreements than contracted mediators.

**Table 23. Comparison of contracted and internal mediation.**

State Outcomes	Contracted Mediation		Internal Mediation	
	Count	Percent	Count	Percent
Declined	294	14.7	33	5.3
Dismissed	13	0.6	4	0.6
Mediated	809	40.4	351	56.6
Unsuccessful	208	10.4	99	16.0
Withdrawn	678	33.9	133	21.5
<b>Totals</b>	<b>2,002</b>	<b>100.0</b>	<b>620</b>	<b>100.0</b>

**19. Is there a difference between one- and two-tier due process hearing systems?**

Connecticut, Alabama, and Maine have a one-tier due process hearing system, while Pennsylvania, Kentucky, Arizona, and Colorado have a two-tier system. Table 24 shows the outcomes for both systems as recorded in the states' databases and mapped for the analysis database. Under a two-tier system more due process hearing cases may be withdrawn (77.1 percent for two-tier and 69.0 percent for one-tier), and fewer are dismissed than under the one-tier system (3.4 percent for two-tier and 14.5 percent for one-tier).

**Table 24. Comparison of one- and two-tier due process systems.**

State Outcomes	1-Tier System		2-Tier System	
	Count	Percent	Count	Percent
Decision	180	16.5	575	19.4
Dismissed	158	14.5	102	3.4
Withdrawn	752	69.0	2,280	77.1
<b>Totals</b>	<b>1,090</b>	<b>100.0</b>	<b>2,957</b>	<b>100.0</b>

**20. What recommendations do you have for improving the dispute resolution systems?**

In the 128 telephone interviews or written completed surveys, the randomized school officials and parents were asked if they had any suggestions to improve the dispute resolution procedures in their school districts or state. Table 25 provides a summary of selected suggestions that parents and school officials had for dispute resolution systems improvement.

**Table 25. Selected suggestions by school officials and parents to improve dispute resolution systems.**

Type of Resolution	School Official Suggested Changes	Parent Suggested Changes
<b>Complaints</b>	<ul style="list-style-type: none"> <li>• There needs to be additional staff to assist in handling complaint resolution.</li> <li>• Complaint resolution staff (SEA or contracted) need more training regarding effective investigation procedures, including sensitivity regarding realistic solutions.</li> </ul>	<ul style="list-style-type: none"> <li>• Parents need progress reports as required by law so that they can keep track of their child’s progress so that they know if the complaint decision resolved the child’s problems.</li> <li>• While the state did a good job of resolving my complaint, local system demeanor in the way parents are dealt with needs improvement.</li> <li>• The complaint procedures should not require hours during the data gathering.</li> <li>• There needs to be more follow-up following the decision to see if changes were made.</li> <li>• The appeals section of the complaint process should be removed.</li> </ul>
<b>Mediation</b>	<ul style="list-style-type: none"> <li>• Parents need additional training regarding what issues are appropriate for mediation and expectations of the mediation process.</li> <li>• Attorney involvement in the mediation process should be disallowed or minimized.</li> <li>• Mediation should not be a “gate keeper” to accessing due process hearing. Rather, the parties should be required to mediate before going to a hearing and/or other dispute resolution options.</li> <li>• Mediators should have a legal base so that agreements have more “force” or expectations for implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be a mediation panel with one person clearly with parent interests.</li> <li>• Mediators should be more informed about actual practices in schools.</li> <li>• There needs to be assurance that children won’t be harassed after their parents participate in mediations.</li> <li>• The mediation process is very effective — especially if the parent is listened to as are the district “experts.”</li> <li>• There should be follow-up to make sure that agreements are followed or implemented (e.g., visits by the state, hotlines, or other procedures).</li> <li>• Mediators need to be better trained.</li> </ul>

Type of Resolution	School Official Suggested Changes	Parent Suggested Changes
<p><b>Due Process</b></p>	<ul style="list-style-type: none"> <li>• Due process hearing officers need better training in what actions are “appropriate” and will lead to educational benefit, rather than “ideal” programs. More training is needed on education, in addition to law and procedural matters.</li> <li>• Issues in dispute should be judged by peers, rather than attorneys.</li> <li>• A larger pool of hearings officers is needed.</li> <li>• Pre-hearing meetings should be required so that issues in the case can be dismissed and/or resolved, and, if not, there is a better understanding by the parties regarding the hearings.</li> <li>• SEAs need to implement procedures for more timely resolution of due process hearing decisions.</li> <li>• Time limits should be set on due process hearings.</li> </ul>	<ul style="list-style-type: none"> <li>• There should be earlier resolution so that children don’t lose valuable time while the due process clock is ticking.</li> <li>• Parents need better access to the legal resources that school districts have. Poor parents don’t get a fair shake because of lack of resources.</li> <li>• Districts must be held accountable for implementing settlement agreements and hearing decisions (e.g., state monitoring, review board, or another process).</li> <li>• Parents need to be better informed about the due process procedures and their implications (e.g., time and finances).</li> <li>• The due process procedures are effective in resolving concerns.</li> </ul>

### **Section 3. DISCUSSION AND CONCLUSIONS**

#### ***Numbers and Trends in Overall Dispute Resolutions***

This study made weighted calculations of the total dispute resolution cases for the United States using a 7-state stratified study sample. Based on earlier work conducted by NASDSE (Schrag and Schrag, May 2003), reported total counts from all 50 states were about 5 percent higher than the estimates made by this study sample.

The estimated national totals suggest that the use of dispute resolution is probably in a slowing growth pattern. This is consistent with a maturing program that is well known and grows with population increases. Of the dispute resolution caseloads, due process hearing requests appear to be growing. Both complaints and mediation show little growth and appear to have stabilized.

Actual counts (Schrag and Schrag, May 2003) for all states (except New Hampshire) show that due process hearings account for 44.8% of all dispute resolution cases in 2000-01. Actual counts of due process hearing cases in the nation show 12,914, compared to 6,763 estimated by the SEEP study (Chambers, et al., May 2003). Estimates using data in the present study also show due process hearings growing, thereby, becoming a greater proportion of the dispute resolution cases, but not the majority as reported in the SEEP study.

These numbers appear to be independent of any policy change. States reported no substantial changes that would impact utilization of the dispute resolution systems by consumers during the study period. The possible exception is Arizona that provided more information on its website attempting to enhance awareness. Almost all of the reported state changes centered on increased efforts to better manage the dispute resolution systems.

#### ***Use of Multiple Dispute Resolution Processes***

A review of the cases in the analysis database found that 34.8 percent were cases involving more than one dispute resolution request. This group of students represents 16.3 percent of the total dispute resolution population. With over a third of the cases involving repeat filings/requests, it is apparent that well-managed integrated databases would assist in effectively managing this caseload.

#### ***Types of Students Involved in Dispute Resolution Cases***

Students involved in dispute resolution cases appear to be predominantly males with the maximum number of cases occurring when students are in their early teens. Disability appears to have a significant impact upon the likelihood of bringing a dispute resolution case. While students with autism represent about 1 percent of the population with disabilities, they represent over 11 percent of the dispute resolution population. Students with other disabilities such as deaf-blindness, emotional disturbance, hearing impairment, multiple disabilities and traumatic brain injury tend to utilize the system beyond their representation in the population. Conversely, students with specific learning disabilities and speech/language impairments use the dispute resolution systems at a rate less than their prevalence in the population.

## Issues Involved in Dispute Resolution

Five major issue categories appear to constitute about 70 percent of the dispute resolution cases in the sample databases. The five major categories are:

- Identification and Evaluation
- IEP
- Placement
- Multiple Issues
- FAPE

Of these categories IEP, Identification and Evaluation, and Placement cover the majority of the cases. They represent about 55 percent of all cases.

### ***Effectiveness of Dispute Resolution Processes***

This study used a systems construct of cases entering the system (input) and case outcomes (output).

Those entering the system are identified as cases requesting mediation or a due process hearing or filing a complaint. State outcomes identified in the databases lent themselves to being placed in the categories of: decision, declined, dismissed, withdrawn, mediated or unsuccessful. Some of these categories only apply to one or two of the dispute resolution processes. Other outcome measures (consumer outcomes) were also obtained using consumer satisfaction questionnaires and analyses of system re-utilization. It should be noted that state outcomes do not follow the student and determine if changes are made bringing about increased educational opportunity. To help quantify these changes, this study also gathered consumer outcomes in an attempt to evaluate the impact of dispute resolution upon students.

Using the state database outcomes for cases exiting a system can provide one measure of effectiveness.

That is, the percent of cases that obtained a decision or reached an agreement. Analysis of the sample found that about 71 percent of the complaints cases reached a decision, about 51 percent of the mediation cases reached an agreement, and almost 19 percent of the due process hearing cases reached a decision. Looking strictly at these numbers, complaint resolution appears to be the most effective at reaching a decision, while due process hearings are the least effective.

Other factors are obviously at play within these dispute resolution systems that need to be taken into consideration when evaluating effectiveness. The SEEP study found that administrators reported mediation to be more cost effective than due process. One factor for mediation could be if it is linked with a due process hearing request or independent of a due process hearing requests. Under both conditions, a little over 40 percent of the cases reach agreements; however, more linked cases do not reach agreement, but fewer are withdrawn. Cases that are not linked to due process hearing requests have a higher rate of withdrawal from the process.

Another factor for mediation could be the presence or absence of an attorney/advocate. This study found that when the dimension of attorney/advocate present or absent is added to the analysis, similar results are found. When an attorney/advocate is present and the case is linked to due process hearings, the highest number of unsuccessful mediations occurs. Withdrawal rates remain highest for cases with no attorney/advocate representation that are not linked to a due process hearing request.



A one-tier or a two-tier system could be a factor that influences due process hearing results. Under a two-tier system more cases are withdrawn and fewer are dismissed than under the one-tier system.

As mentioned earlier, consumer outcomes can be used to determine if the system is “effective” in meeting the needs of students involved. Using this type of information, due process hearings receive the highest rating from school officials and parents. Parents place complaints next and mediation last. School officials rate mediation and complaints about the same for assisting in the resolution of case issues.

About one third of the parents indicated that they would not use the dispute resolution process over again. Parents were unwilling to use both mediation and complaints resolution again. When asked why they were unwilling to use these dispute resolution processes, it was found that their child’s issues were unresolved and little improvement in educational opportunities emerged. Parents reported that solutions worked out in the mediation agreement were ineffective or not implemented, and complaint decisions/corrective actions were not effective.

Many parents perceive that mediation agreements are treated as totally confidential. They feel that students are at a disadvantage when states do not follow-up on plans. If the agreement is not implemented, or the solutions contained in the agreement do not work, parents indicated that the only option is to file a complaint or request a due process hearing. This is probably why the repeat utilization of mediation services is so low.

Dispute resolution effectiveness can be measured in a variety of ways; however, the ultimate outcome is how effective the process has been in enhancing educational outcomes for students. Utilization of services may be the best measure of this. One behavior available in the database was the return utilization of services. Due process hearings and complaints had over 40 percent of returning cases utilizing the same procedure again for the second filing/request.

Of those returning and having used mediation as their first dispute resolution process, only about 24 percent chose to use mediation again. This lower return rate reinforces the above findings regarding the lack enforcement by the SEA and the lack of well-negotiated, practical solutions.

### ***Local Resolution and Dispute Resolution Cases***

Of the 128 cases interviewed in the consumer satisfaction survey, 28 disputes were withdrawn for a variety of reasons. The most prevalent reason (46 percent of the time) for withdrawing involved local resolution. Resolution was achieved in IEP meetings, with team intervention, and with school official participation. Settlement agreements were the second most frequently occurring category with 11 percent of the withdrawn cases resolved in this way. The rest of the reasons are many with none of them making a large significant contribution to withdrawn cases.

The finding that local resolution and settlement agreements are the major reasons for withdrawals should encourage all parties to enhance these efforts in an attempt to reduce the number of formal dispute resolution cases. There appear to be many advantages of early dispute resolution.

## Section 4. STUDY RECOMMENDATIONS

One of the benefits of this National Use and Effectiveness Study is that the findings can assist SEAs in refining current state administration of formal complaints resolution, mediation, and due process hearings, including the management and analysis of data across these three dispute resolution systems. Findings can also assist LEAs in improving their formal and informal conflict resolution strategies and systems. To that end, the following recommendations are offered:

1. Consistent with the study finding that over one-third (34.8 percent) of dispute resolution cases involve more than one dispute resolution request (i.e., formal complaints, mediation, and due process), it is recommended that SEAs and LEAs implement integrated data management systems containing formal complaints, mediation, and due process as well as other state and local early conflict resolution strategies. Findings can have policy, organization, training, and personnel implications.
2. Based on this study data as well as previous studies and inquiries conducted by NASDSE, state and local informal problem solving/conflict resolution procedures appear to help resolve issues more immediately and closer to the classrooms and schools where conflicts originate. For example, it was found that 46 percent of the parties withdrew dispute resolution requests because local efforts resolved their issues. It is recommended that SEAs and LEAs systematically study the use and effectiveness of these early conflict resolution systems. Earlier resolution can result in less negative impacts on the child and family (e.g., lost learning time while more formal dispute resolution systems are being accessed and carried out; less likelihood that relationships between parents and school personnel will become strained through formal conflict resolution; and fiscal resources are directed to carrying out formal conflict resolution, rather than to instruction and learning).
3. Consistent with the growing number of consumer satisfaction tools being utilized within states, it is recommended that these tools be shared and promoted by organizations such as NASDSE and CADRE. In order for informal and formal conflict resolution to be effective in resolving parental and student issues, feedback from consumers (parents and school personnel) is critical.
4. Data gathered from consumers (parents and school personnel) within this study provide mixed results regarding the effectiveness of mediation on resolving student and parental concerns. It is recommended that organizations such as NASDSE and CADRE conduct further inquiries into the reasons both parents and school personnel seem ambivalent about the effectiveness of mediation. Yet, administrators (SEEP study) reported mediation to be more cost effective than due process.
5. Closely related, it is recommended that mediation agreements be sent to the SEA for review and follow-up in order to monitor whether the agreements are being implemented. For example, the LEAs could be required to maintain a record of follow-up activities related to mediation agreements, for possible review within the state focused monitoring activities. Feedback could also be generated from parents regarding their satisfaction with implementation of mediation agreements. This recommendation is made with the full understanding that the mediation process, itself, should be kept confidential and that the parties enter into mediation agreements with good faith and intentions. It is clear from the data gathered in this study that either (1) many mediation agreements are not strategic or appropriate, or (2) many mediation agreements are not being implemented by the parties.

6. It is finally recommended that SEAs continue to provide training for mediators so that they have a firm base of understanding of schools and educational programs as well as type and nature of agreements that are likely to be implemented by the parties once written and agreed-upon.

## REFERENCES

- Abel, G. & Morton, B. (November 2003). *Beyond I.D.E.A. mediation: A systemic approach to appropriate dispute resolution in special education*. See <http://www.directionservice.org/cadre/articles/nasdse.htm>.
- Ahearn, E. (1994). *Mediation and due process procedures in special education: An analysis of state policies*. Alexandria, VA: Project FORUM, National Association of State Directors of Special Education.
- Chambers, J.G., Harr, J.J., & Dhanani, A. (March 2003). *What are we spending on procedural safeguards in special education, 1999-2000?* Washington DC: American Institutes for Research, Center for Special Education Finance.
- East, B. (May 2003). *Dispute resolution under IDEA 1997: Mediation survey*. Alexandria, VA: National Association of State Directors of Special Education.
- Feinberg, E., Beyer, J., & Moses, P. (October 2002). *Beyond mediation: Strategies for appropriate dispute resolution in special education*. Eugene, OR: The Consortium for Appropriate Dispute Resolution in Special Education (CADRE).
- H.R. Rep. No. 105-95, 105th Congress, 1st Session, 1997.
- Markowitz, J., Ahearn, E., & Schrag, J. (June 2003). *Dispute resolution: A review of systems in selected states*. Alexandria, VA: Project FORUM. National Association of State Directors of Special Education.
- O'Reilly, F. (April 2003). *Dispute resolution: Year 1 survey findings; year 1 and 2 focus study findings*. Bethesda, MD: Abt Associates.
- S. Rep. No. 105-17, 105th Congress, 1st Section, 1997.
- Schrag, J. (1996). *Mediation and other alternative dispute resolution procedures in special education*. Alexandria, VA: Project FORUM, National Association of State Directors of Special Education.
- Schrag, J. (July 1999). *Dispute resolution activities: State data collection*. Project FORUM Quick Turn-Around. Alexandria, VA: Project FORUM, National Association of State Directors of Special Education.
- Schrag, H. & Schrag, J. (May, 2003). *Dispute resolution procedures, data collection, and caseloads*. See <http://www.directionservice.org/cadre/articles/nasdse.htm>.

Schrag, H., & Schrag, J. (2000). *Dispute resolution database structure and elements*.

See <http://www.directionservice.org/cadre/drdata.cfm>.

Schrag, H., & Schrag, J. (1999). *Status of annual dispute resolution effectiveness and impact measurement*

– 1998-1999. See <http://www.directionservice.org/cadre/articles/nasdse.htm>.

Symington, G.T. (1994). *Mediation as an option in special education*. Alexandria, VA: Project FORM, National Association of State Directors of Special Education.

**APPENDIX A**

**COMPARISON OF DISPUTE RESOLUTION SYSTEM INFORMATION**

**PARTICIPATING STATES**

**Table A1. Comparison of Dispute Resolution Features of the States Participating in the Dispute Resolution National Use**

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<b>Complaints:</b>							
<b>Location of System Administration</b>	SEA special education unit with internal investigators.	SEA special education unit with internal investigators	Outside contractor.	SEA special education unit with internal investigators.	SEA special education unit with internal investigators.	SEA special education unit with internal investigators.	SEA special education unit with internal investigators.
<b>Type of Training Provided</b>	Monthly meetings. PaTTAN and GLARRC training	No formal training. Conferences & workshops.	No formal training program. Training provided by contractor.	Trained as attorney. Annual LRP conference.	Informal weekly meetings with the Assistant Attorney General. Formal trainings with outside consultants. MPRRC training	MPRRC training. Annual LRP conference. Other training provided or arranged by the SEA.	Outside consultants for legal updates. Annual LRP conference. Participation in CASE and other conferences such as summer institute.
<b>Follow-up Actions</b>	Compliance is verified by the SEA special education unit with technical assistance, when needed.	Staff that conduct investigations follow-up dates and timelines in corrective actions until resolution	SEA monitors compliance with timelines and actions required in corrective action plan.	SEA attorney monitors dates and timelines in corrective actions until resolution.	The Corrective Action Coordinator tracks dates and required actions. Other informal feedback.	Informal tracking of required actions and timelines. Letters of assurance are submitted. Concerns by either party come to the SEA.	SEA complaint investigation staff monitor corrective action timelines and required actions through written documentation and other communications. Outcome satisfaction and/or effectiveness not routinely gathered.

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<b>Evaluations of System</b>	Stakeholder focus group.  OSEP review.	Internal reviews.  OSEP review.	No formal evaluation.  OSEP review.	No formal evaluation.  OSEP review.	Internal review on a yearly basis.  No formal evaluation.  OSEP review.	Survey of stakeholders completed.  Internal review.  OSEP review.	No formal routine evaluation.  Feedback by outside parties.  OSEP review.  CADRE questionnaire.
<b>Mediation:</b>							
<b>Date of Availability</b>	1987	1975	Approximately 1987	1986	1985	Approximately 1991	1980
<b>Location of System Administration</b>	Contract with Intermediate Unit (IU), Office for Dispute Resolution (ODR).	SEA special education unit with internal mediators.	SEA special education unit with contracted mediators.	SEA special education unit with contracted mediators.	SEA special education unit with contracted mediators.	SEA special education unit with contracted mediators.	SEA special education unit with internal SEA mediators.
<b>Qualifications and Background of Mediators</b>	Mediators must have training in mediation techniques and knowledge of special education law in accordance with federal law.  Mediators come from backgrounds. (e.g., legal, educational, and	Since SEA staff, they have knowledge of special education and not involved in direct services to the child.  Go through systematic training, co-mediation, and support before solo mediation.	Trained in mediation techniques and knowledgeable about special education law and regulations	Bachelor degree; Knowledge of special education state and federal law. Knowledge of students with disabilities.  Must become certified as an educational mediator and attend semi-annual training.	Special education background and mediation experience.	Attorneys, social worker, and educator.  Need training and experience in special education and mediation experience.	Knowledge of mediation and special education. Required training (e.g., the Justice Center of Atlanta and CADRE).  Must observe three mediations before solo mediation.

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
	social services). Must attend annual training with the ODR.			New mediators are observed prior to solo mediation.			
<b>Training for Mediators</b>	Justice Center of Atlanta.  ODR annual training.  Outside consultants.	On-going training through conferences.  Ongoing support and training by SEA program manager.	Training provided by contractor.	De-briefing day in fall.  3-day training – Justice Center of Atlanta.  LRP annual conference.	Annual trainings provided or arranged by the SEA.  MPRRC training.	Luncheons with SEA supervisor.  Yearly training with hearing officers.	30 hours of training per year (e.g., Justice Center of Atlanta training and annual LRP conferences).  Other workshops and conferences in the state.
<b>Compensation for Mediators</b>	30 paid at \$250/day plus expenses.	SEA Staff – No additional compensation	Mediator fee is paid for by contractor within overall contract.	Contracted for \$50/hour flat rate plus expenses.	Contracted at \$200/day plus expenses.	Contracted at \$75/hour plus expenses.	SEA Staff – No additional compensation
<b>When Mediation is Offered</b>	Any time on any IDEA issue, including prior to a formal complaint.	Any time on any IDEA issue, including a dispute that arises before, during, and following complaint resolution or due process hearings.	Any time on any IDEA issues, including stand-alone and prior to a formal complaint.	Any time on any IDEA issue unless purely personnel	Any time on any IDEA issue.	Any time on any IDEA issue.	Any time on any IDEA issue.
<b>Assignment of Mediators</b>	Case manager assigned based on availability and region of the parties.	Rotational basis and availability.	On rotating basis with the earliest assignment receiving new assignment.	Rotational, unless from district or area of mediator.	Random basis and availability	Rotational basis and availability.	Rotational and availability.



Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<b>Rejection or Acceptance of Mediators</b>	Generally no—however, would respect justified concerns of either party.	Rarely requested; however, would substitute for valid reason.	Rare to not at all.  Substitution would be made for any just cause.	Yes, if direct conflict that must be substantiated.	Yes, if reasonable concern.	Generally no—unless the parties have used a mediator before, and both parties want the same mediator again. Otherwise, rotation would vary only if there was a conflict of interest requiring the assignment of a mediator out of rotation.	Generally no—unless there are unique circumstances.
<b>Attorneys and/or Advocates at Mediations</b>	Parents can invite two persons/advocates.  Attorneys are not permitted in mediation.	Both attorneys and advocates may attend mediations.	Both attorneys and advocates may attend with parent or adult student with 7-day notice to the LEA.  Attorney may represent the LEA only if attorney represents parent.	Both attorneys and advocates may attend mediations.	Both – Either party lets the other know if attorney and/or advocate will be present.	Both attorneys and advocates may attend depending upon the decision of the mediator after consultation with both parties.	Both attorneys and advocates may attend mediations.
<b>Role of Attorneys and/or Advocates</b>	No role for attorneys.  Advocates provide a supportive role—role discussed at beginning of session.	Attorneys are primary speakers and lead the negotiation.  Advocates are often supplemental to parent role.	Attorneys represent the parent and/or LEA.  Parents determine role of advocates they choose.	Parents play the major/up front role with attorneys and advocates adding and supporting.	Attorneys can represent the parents.  Advocates guide and assist parents.	The mediator works out the role in consultation with the parties.	Advocates play a supporting role for parents.

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
	Parents can call attorney at break.						
<b>Process for Confidentiality</b>	<p>At beginning of session, parties agree to confidentiality.</p> <p>Notes of mediator are destroyed.</p>	Raised as a rule of mediation—but do not sign a pledge or form.	Parties may be asked to sign a confidentiality pledge prior to mediation.	<p>Parties sign a confidentiality pledge prior to mediation.</p> <p>Parent release obtained for needed student records.</p>	Mediation files are not open to anyone and cannot be brought into a due process hearing, except for portions of the mediation agreement that become part of the student IEP.	<p>Mediation discussions and agreements are confidential. Agreements are not sent to the SEA because of the Colorado open records law.</p> <p>Mediation discussions may not be used as evidence in subsequent due process hearings or civil proceedings.</p> <p>Parties sign a confidential pledge before mediation begins.</p> <p>If a party attempts to introduce a mediation agreement in a hearing or in court, the hearing officer or judge would determine the applicability of 34 CFR 300.506(b)(6) and any other applicable law.</p>	<p>Signing the mediation sign-in sheet is a pledge to maintain confidentiality of discussions in mediation. The mediator also pledges to maintain confidentiality of group discussions and separate caucus(es).</p> <p>Sign-in sheet and written agreement or written “no agreement” is maintained in the mediation file at SDE. Any other notes from the mediator are shredded.</p>

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<b>Follow-up of Mediation Agreements</b>	No formal follow-up; however, items that became part of IEP are monitored by the SEA.	SEA program manager reviews mediation agreement with SEA mediator.	If agreement not implemented, parties call SEA for assistance or parents may file for a complaint investigation.	Parents can file a formal complaint if concerned about implementation.  Breach of contract is referred to district or state court.  Parts of agreement in IEP are followed up through state monitoring.	No formal SEA follow-up although SEA gets a copy of the agreement.  If either party becomes concerned regarding implementation, SEA is contacted.	No formal SEA follow-up unless agreement items become part of the IEP.  Mediator sends letter to SEA indicating if mediation resulted in agreement.	Mediations are not followed up by the SEA.  If the mediation agreement becomes part of a due process hearing decision, it is monitored by the SEA.
<b>Differences in Administration of Mediations Linked and Unlinked to Hearings</b>	None	None	None	None	None except mediator is contacted if linked to due process.	None	None
<b>Access to Mediation Agreements in Hearings</b>	Either party could request that the mediation agreement be made part of the hearing record.	Either party could make agreement part of the hearing record.	Mediation agreements may be put into the record— however, mediation discussions may not be used as evidence.	Mediation agreement can be presented as evidence; however hearing officer strikes mediation discussions in hearings.	Mediation agreements may not be introduced in a due process hearing, unless portions of the agreement become part of the IEP.	Mediation discussions may not be used in due process hearings according to 34 CFR 300.506 (b)(6). The due process hearing officer would determine the appropriate applicability of this IDEA regulatory provision.	Mediation agreements may become part of the due process hearing file, but mediation discussions may not be used as evidence.

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study							
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama	
Evaluations of System	<p>GLAARC external review of mediation use</p> <p>Ongoing internal reviews.</p> <p>Statistical analyses are maintained.</p>	<p>No formal evaluation.</p> <p>Statistical analyses are maintained.</p>	<p>No formal evaluation.</p> <p>Statistical analyses are maintained.</p> <p>Parents complete a form at the end of the session—used for internal evaluation.</p>	<p>No formal evaluation.</p> <p>Statistical analyses are maintained.</p> <p>Parents and district staff are given evaluations to complete at the conclusion of each session, which are sent to the SEA for review.</p>	<p>No formal evaluation.</p> <p>Statistical analyses are maintained.</p>	<p>No formal evaluation.</p> <p>Statistical analyses are maintained.</p>	<p>Evaluations are completed by the mediation participants following the mediation and sent to the SEA mediator supervisor for review.</p> <p>Copies are subsequently sent to the mediators.</p> <p>Statistical analyses are maintained.</p>	<p>No formal routine evaluation.</p> <p>Outcomes or satisfaction data are not gathered.</p> <p>Feedback by outside parties. OSEP review.</p> <p>CADRE questionnaire is used as a periodic self-study (usually annual).</p> <p>Statistical analyses are maintained.</p>
<b>Due Process:</b>								
One-Tier or 2-Tier Due Process System	2-tier system	1-tier system	1-tier system	2-tier system	2-tier system	2-tier system	1-tier system	
Location of System Administration	<p>Contract with IU, ODR. Attorney administers.</p> <p>Level 2 is carried out by a 3-person panel of appellate hearing officers appointed by the Department of Education.</p>	<p>SEA special education unit.</p> <p>Hearing officers do scheduling.</p>	<p>SEA special education unit.</p> <p>Outside contractor to provide pool of hearing officers.</p>	<p>SEA special education unit for initial Level 1.</p> <p>Hearing officers do scheduling. Attorney administers</p> <p>Level 2 appeals are carried out by a panel of 3</p>	<p>SEA special education unit administers Level 1.</p> <p>LEAs hold Level 1 hearings. Office of Administrative Hearings administers Level 2.</p>	<p>SEA special education unit administers Level 1 and school districts conduct hearings and pay for hearing officers.</p> <p>A separate department of state</p>	<p>SEA special education unit with contracted hearing officers.</p> <p>The Department of Education contracts directly with the hearing officers within this pool.</p>	

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
				assigned, on a rotational basis from the due process hearing officer pool.		administrative law judges administers Level 2 appeals.	
<b>Background of Hearing Officers</b>	Attorneys (increasing number).  College professors, psychologists, and retired school district administrators.	Attorneys with experience in education and/or child care.	Varied backgrounds—some lay persons and some attorney.  Must have knowledge of mediation process and of special education laws and regulations.	Attorneys and retired educators/administrators.	Practicing attorney or attorney on inactive status whose withdrawal is not an adverse disciplinary action—and who have practiced for 2 years.	Attorneys.	Attorneys.
<b>Compensation of Hearing Officers</b>	Contractual at \$50/hour plus reasonable expenses.	Contractual with set amount per resolution activity (e.g., \$200 for pre-hearing and hearing if 3 hours or less and \$400 for hearing 3 hours+ per day).	Compensation is provided by contractor within monthly sum for operational costs by SEA.	Contractual paid at \$50/ hour plus expenses.	SEA special education unit pays contracted hearing officers for Level 1 at \$75-\$250/hour plus expenses.  Purchase order is used to pay Office of Administrative Hearings for Level 2.	12 hearing officers for Level 1 are contracted by LEA at a cap of \$105/hr plus expenses.  The Colorado Department of Education (CDE) reimburses the office for state administrative law judges for Level 2 responsibilities.	Hearing officers are paid \$150/hour.

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<p><b>Role of Attorneys and Advocates in Hearings</b></p>	<p>Attorneys represent parties in all aspects of the due process system.</p> <p>Advocates attend but in a supportive role to parents.</p>	<p>Attorneys take lead role.</p> <p>Advocates play a support role as parent representative.</p>	<p>Attorneys represent the parties with hearing duties and help with pre-hearings.</p>	<p>Both parties usually have attorneys who represent the parties.</p>	<p>Attorneys represent the parties.</p> <p>Advocates advise and assist.</p>	<p>Attorneys represent the parties.</p> <p>Lay advocates can attend, but cannot present evidence or call witnesses, or otherwise perform the functions of attorneys to the extent that such would be considered the unauthorized practice of law by the Colorado Attorney Regulation Counsel's Office. The due process hearing officer makes the initial decision regarding lay advocate participation.</p>	<p>Both attorneys and advocates may represent parties.</p> <p>Only attorneys may question witnesses, present the case, and verbally participate in the due process hearing. The parent may have an advocate to advise, but the advocate may not question and present the case (i.e., act as an attorney).</p>
<p><b>Training for Hearing Officers</b></p>	<p>Formal training provided by IU contractor (PaTTAN) and ODR.</p> <p>Training at least 2x a year.</p> <p>Hearing officers</p>	<p>8 days annually plus \$400 to support training and materials.</p>	<p>No formal training by SEA.</p> <p>Training provided by contractor.</p>	<p>LRP annual conference. Other in and out-of-state approved conferences.</p> <p>Training includes both special education content</p>	<p>Training provided or arranged for by the SEA by staff or outside consultants.</p> <p>MPRRC training.</p>	<p>Yearly training combined with mediators provided by or arranged by the SEA.</p>	<p>Justice Center of Atlanta training. Annual LRP conferences.</p> <p>Other workshops and conferences in the state.</p>

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
	may attend other trainings throughout the year.			and content related to hearing duties/responsibilities.			
<b>Follow-up to Hearing Decisions</b>	SEA special education unit provides enforcement based on documentation sent by contracted ODR.	Letter sent to the parties 2 weeks after hearing to determine implementation	SEA dispute resolution staff monitors for LEA compliance with hearing orders.	Follow-up through email and correspondence.  Yearly submissions to SEA of follow-up.	SEA relies on compliance by parents and LEAs for Level 1 and 2 implementation.  If continuing concerns, the appeal process can be accessed (Level 2).  The SEA is also contacted if there are concerns by either party. If provisions of the hearing decision have become part of IEP, they are monitored by the SEA.	No formal process.  If a party, or the hearing officer, alleges a decision is not being implemented, the SEA has responsibility to enforce hearing officer orders.	Documentation is maintained by the SEA requiring implementation within 30 days.
<b>Evaluation of System</b>	Extensive data documentation and review annually.  State Advisory Council review. Stakeholder group reviews.	Internal ongoing reviews.	No formal evaluation.	Satisfaction evaluation at the end of hearings and mediations sent to the SEA in sealed envelope.	Internal reviews.  External consultant feedback.	Evaluation forms are asked to be completed by the parties/attorneys/advocates at the end of due process proceedings and sent to the SEA supervisor of the	No formal routine evaluation.  Outcomes or satisfaction data is not gathered.  Demographic information is maintained on the

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
						hearing officers for review. Copies are subsequently given to the hearing officers.	SEA Website.  Feedback by outside parties. OSEP review. CADRE questionnaire.  Regular reports to the State Special Education Advisory Council.
<b>Whole Dispute Resolution System:</b>							
<b>How Parents and Public are Informed</b>	Parent rights.  Parent guide and printed materials.  Website.  Speaking by Director and SEA staff.  PTI and P&A dissemination  Advisory groups	Procedural safeguards information  Parent guide. Workshops. Special Education Resource Center dissemination.	Parent rights.  Parent booklet.  SEA contact process through email, letters, walk-ins and phone calls.  Presentations to groups.  Dissemination by Disability Rights Organization and Parent Federation.	Parent rights information  Parent guide.  Separate information booklets.  Recent statewide campaign with Justice Center of Atlanta.	Parent rights information.  Parent guide.  Website information.  PTI dissemination and training.  Education specialists at the SEA, special education unit assigned to districts. Parent rights information.	Parent guide.  Brochures.  Website.  PTI and P&A dissemination and support.	Parent rights information.  Parent guide.  Brochures.  Website.  PTI and P&A dissemination and support.



Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<p><b>Continuum of Dispute Resolution System</b></p>	<p>ConsultLine's call resolution process for parents and educators.</p> <p>Informal conferences.</p> <p>Pre-hearing conferences.</p> <p>Early resolution of disputes with facilitator.</p> <p>IEP facilitation.</p> <p>Training available in dispute resolution techniques for parents and educators.</p>	<p>Advisory opinions.</p>	<p>Early resolution by SEA staff through contacts with parents or LEA.</p>	<p>Expedited due process hearings.</p> <p>Prehearing conferences.</p> <p>Sessions at annual special education conferences.</p> <p>Early complaint resolution system.</p>	<p>Early resolution is encouraged by the SEA.</p> <p>The PTI and Arizona Center for Disability Law help parents resolve concerns.</p> <p>Early Dispute Resolution provides contracted facilitators to help resolve differences within the first 10 days of complaint resolution.</p> <p>SUPPORT Cadre provides peer assistance on issues such as dispute resolution.</p> <p>Parent Information Network provides information for parents.</p> <p>Enhancing Arizona's Parent Network (EAPN) to provide collaboration across organizations, parent groups, and agencies.</p>	<p>Works with advocacy and parent organizations to get parents in touch with them for information and assistance.</p> <p>Encourages parents to work with their LEA to resolve.</p>	<p>State sponsored workshops/ conferences with presentations on legal issues and conflict resolution.</p> <p>Peer mediation.</p>

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<p><b>Continuum of Dispute Resolution System</b></p>	<p>ConsultLine's call resolution process for parents and educators.</p> <p>Informal conferences.</p> <p>Pre-hearing conferences.</p> <p>Early resolution of disputes with facilitator.</p> <p>IEP facilitation.</p> <p>Training available in dispute resolution techniques for parents and educators.</p>	<p>Advisory opinions.</p>	<p>Early resolution by SEA staff through contacts with parents or LEA.</p>	<p>Expedited due process hearings.</p> <p>Prehearing conferences.</p> <p>Sessions at annual special education conferences.</p> <p>Early complaint resolution system.</p>	<p>Early resolution is encouraged by the SEA.</p> <p>The PTI and Arizona Center for Disability Law help parents resolve concerns.</p> <p>Early Dispute Resolution provides contracted facilitators to help resolve differences within the first 10 days of complaint resolution.</p> <p>SUPPORT Cadre provides peer assistance on issues such as dispute resolution.</p> <p>Parent Information Network provides information for parents.</p> <p>Enhancing Arizona's Parent Network (EAPN) to provide collaboration across organizations, parent groups, and agencies.</p>	<p>Works with advocacy and parent organizations to get parents in touch with them for information and assistance.</p> <p>Encourages parents to work with their LEA to resolve.</p>	<p>State sponsored workshops/ conferences with presentations on legal issues and conflict resolution.</p> <p>Peer mediation.</p>

Dispute Resolution Feature	States Participating in the National Use and Effectiveness Study						
	Pennsylvania	Connecticut	Maine	Kentucky	Arizona	Colorado	Alabama
<b>Data Regarding Effectiveness of Alternative Dispute Resolution Processes</b>	The ODR is in the process of drafting satisfaction surveys for both users of mediation and due process. No formal data is yet available.	Decrease in fully adjudicated cases with use of advisory opinions. Cases mediated have 95 percent likelihood of resolution.  Data shows that local Boards only go to hearing after trying other options.	No formal data.	Internal statistical analyses (90 percent effectiveness of the mediation system).	Early Dispute Resolution has had a 50 percent success rate of resolution.	No formal data	No formal data.
<b>Other Comments</b>		Parents can negotiate with local boards reimbursement for attorneys fees for due process hearings.			Attorney fees must be made by the court and not by a hearing officer or administrative review officer.	Only the court may award reasonable attorney fees—neither due process hearing officers, nor administrative law judges, nor the federal complaints officer may award attorney fees.	

## **APPENDIX B**

### Parent and School Official Survey Instruments

**Parent Observations**

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your name was randomly selected to participate in this study to provide your comments about the experience that you had here in 19\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form. Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

You filed a formal complaint with the State during \_\_\_\_.

1. How would you rate your entire experience with this complaint? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did?

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If your complaint was withdrawn (no decision was needed or given), indicate why it was withdrawn, and then skip to question 14.

Reason withdrawn: \_\_\_\_\_

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2. How would you rate the State's organization and timeliness (procedures) for handling your complaint? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did?

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---

3. Did the State explain the complaint investigation procedures to you and were you allowed to use them during the complaint investigation (i.e., submit additional information, etc.)?

(Check one in each line below.)

- Explained procedures:     Yes     No     Not Sure  
Able to use procedures:     Yes     No     Not Sure

Comment: \_\_\_\_\_

---

4. How would you rate the demeanor of the complaint investigator? (Check one.)

Very Professional    Professional    So-so    Unprofessional    Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

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5. To what extent are you satisfied with the complaint findings? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

---

---

6. Was the school district required to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were the required changes made by the school district? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, what were the required changes not made \_\_\_\_\_

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8. How would you rate your satisfaction with the school district's implementation of the required changes? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

9. Were you required to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did you make the required changes? (Check one.)

Yes     No     Uncertain

If **no** or **uncertain**, What were the required changes not made?

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11. How would you rate your satisfaction with your own implementation of the required changes? (Check one.)

Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did? \_\_\_\_\_

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12. Were your original concerns about your child's program resolved by the changes brought about by the complaint? (Check one.)

Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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If **yes**, how was your complaint resolved?

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13. Would you use this dispute resolution process again? (Check one.)

Yes     No     Uncertain

If **no**, why not? \_\_\_\_\_

---

14. When you compare your situation before and after your formal complaint, how did it affect the relationship between the family and the school? (Check one.)

- The formal complaint harmed the relationship.
- The formal complaint had little or no effect on the relationship.
- The formal complaint improved the relationship.

15. Have you filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) for the same issue(s) as the original concern? (Check one.)

Yes     No

If **yes**, which dispute resolution process? (Check all that apply.)

complaint     mediation     due process hearing

If **yes**, when? \_\_\_\_\_ .  
                        Month                      Year

If **yes**, why? \_\_\_\_\_

\_\_\_\_\_

16. Have you filed another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding your child's program? (Check one.)

Yes     No

If **yes**, when? \_\_\_\_\_ .  
                        Month                      Year

If **yes**, what were the issues involved? \_\_\_\_\_

\_\_\_\_\_

17. Do you have any recommendations regarding how the process could be improved?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you!**



***Parent Observations***

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your name was randomly selected to participate in this study to provide your comments about the experience that you had here in 19\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form. Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

You requested a mediation through the State during \_\_\_\_\_.

1. How would you rate your entire experience with this mediation? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did?

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If your mediation was withdrawn and/or not held, indicate why, and skip to question 14.

Reason withdrawn and/or held: \_\_\_\_\_

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2. How would you rate the State's organization and timeliness (procedures) for handling your mediation? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did? \_\_\_\_\_

---

3. Did the State explain the mediation procedures to you and allow you to use the procedures during the mediation process (i.e., bringing relevant material, bringing an advocate, etc.)?

(Check one in each line below.)

Explained procedures:     Yes     No     Not Sure

Able to use procedures:     Yes     No     Not Sure

Comment: \_\_\_\_\_

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4. How would you rate the demeanor of the mediator? (Check one.)

Very Professional    Professional    So-so    Unprofessional    Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

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---

5. To what extent are you satisfied with the mediation outcome? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

If you did not reach agreement, skip to question 14.

6. Did the school district agree to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were the changes made by the school district? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, what were the agreed upon changes not made \_\_\_\_\_

---

8. How would you rate your satisfaction with the school district's implementation of the agreement? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

---

---

9. Did you agree to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did you make the changes? (Check one.)

Yes     No     Uncertain

If **no** or **uncertain**, What were the agreed upon changes not made?

---

11. How would you rate your satisfaction with your own implementation of the agreed upon changes? (Check one.)

Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

12. Were your original concerns about your child's program resolved by the changes brought about by the agreement? (Check one.)

Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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If **yes**, how was your issue(s) resolved?

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13. Would you use this dispute resolution process again? (Check one.)

Yes     No     Uncertain

If **no**, why not?

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14. When you compare your situation before and after your formal mediation, how did it affect the relationship between the family and the school? (Check one.)

- The formal mediation harmed the relationship.  
 The formal mediation had little or no effect on the relationship.  
 The formal mediation improved the relationship.

15. Have you filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) for the same issue(s) as the original concern? (Check one.)

Yes     No

If **yes**, which dispute resolution process? (Check all that apply.)

complaint                  mediation                  due process hearing

If **yes**, when? \_\_\_\_\_ .  
Month                  Year

If **yes**, why? \_\_\_\_\_  
\_\_\_\_\_

16. Have you filed another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding your child's program? (Check one.)

Yes     No

If **yes**, when? \_\_\_\_\_  
Month                  Year

If **yes**, what were the issues involved? \_\_\_\_\_  
\_\_\_\_\_

14. Do you have any recommendations regarding how the mediation process could be improved?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Thank you!**

**Parent Observations**

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your name was randomly selected to participate in this study to provide your comments about the experience that you had here in 19\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form. Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

You were involved in a due process hearing request during. If you reached a settlement agreement instead of having a due process hearing, skip to question 6 and start there. If your request was withdrawn, indicate the reason at the bottom of question 1 and skip to question 14.

1. How would you rate your entire experience with this due process hearing process? (Check one)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did? \_\_\_\_\_

\_\_\_\_\_

If your due process hearing request was withdrawn and you did not reach a settlement agreement, indicate reason withdrawn, and then skip to question 14.

Reason withdrawn: \_\_\_\_\_

2. How would you rate the State's organization and timeliness (procedures) for handling this due process hearing? (Check one)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did? \_\_\_\_\_

\_\_\_\_\_

3. Were the State's due process hearing procedures made clear to you and were you able to use the procedures during the due process hearing (i.e., provide written materials, call experts, etc.)?

(Check one in each line below)

Explained procedures:     Yes     No     Not Sure

Able to use procedures:     Yes     No     Not Sure

Comment: \_\_\_\_\_

\_\_\_\_\_

4. How would you rate the demeanor of the due process hearing officer? (Check one)
- Very Professional    Professional    So-so    Unprofessional    Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

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5. To what extent were you satisfied with the due process hearing outcome? (Check one)
- Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

6. Was the school district required to make changes by the due process hearing decision or settlement agreement? (Check one)
- Yes    No    Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were these required changes made by your school district? (Check one)
- Yes    No    Uncertain

If **no** or **uncertain**, what were the changes not made \_\_\_\_\_

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8. How would you rate your satisfaction with the school district's implementation of the due process hearing decision or settlement agreement? (Check one)
- Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

9. Were you required to make changes by the hearing decision or settlement agreement? (Check one)
- Yes    No    Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did you make the required changes? (Check one)

Yes     No     Uncertain

If **no** or **uncertain**, What were the required changes not made?

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---

11. How would you rate your satisfaction with your implementation of the changes required by the hearing or settlement agreement? (Check one)

Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did? \_\_\_\_\_

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12. Were the original concerns about your child's program resolved by the changes brought about by the due process hearing decision or settlement agreement? (Check one)

Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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If **yes**, how was your issue(s) resolved?

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13. Would you recommend the use of this dispute resolution process again? (Check one)

Yes     No     Uncertain

If **no**, why not?

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14. When you compare the situation before and after the due process hearing efforts, how did it affect the relationship between you/your family and the school? (Check one)

- The due process hearing efforts harmed the relationship.  
 The due process hearing efforts had little or no effect on the relationship.  
 The due process hearing efforts improved the relationship.

15. Have you filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) for the same issue(s) as the original concern? (Check one)

Yes     No

If **yes**, which dispute resolution process? (Check all that apply)

    complaint            mediation            due process hearing

If **yes**, when? \_\_\_\_\_ .  
                            Month            Year

If **yes**, why? \_\_\_\_\_

\_\_\_\_\_

16. Have you requested another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding this child's program? (Check one)

Yes     No

If **yes**, when? \_\_\_\_\_ .  
                            Month            Year

If **yes**, what were the issues involved? \_\_\_\_\_

\_\_\_\_\_

14. Do you have any recommendations regarding how the due process hearing process could be improved?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you!**



**School District Observations**

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your school district was randomly selected to participate in this study to provide your comments about the experience of your School District here in \_\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form. Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

You were involved in a formal complaint resolution filed in 19\_\_\_\_ involving \_\_\_\_\_.

1. How would you rate your entire experience with this complaint? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked very good or very poor, what experience caused you to rate this question the way you did?

---

---

If this complaint was withdrawn (no decision was needed or given), indicate why it was withdrawn, and then skip to question 14.

Reason withdrawn: \_\_\_\_\_

2. How would you rate the State's organization and timeliness (procedures) for handling this complaint? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did? \_\_\_\_\_

---

3. Were the State complaint investigation procedures clear to your District and were you involved in the complaint investigation (i.e., submit additional information, etc.)? (Check one in each line below.)

Procedures were clear:     Yes     No     Not Sure

Involved in the investigation:     Yes     No     Not Sure

Comment: \_\_\_\_\_

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4. How would you rate the demeanor of the complaint investigator? (Check one.)

Very Professional    Professional    So-so    Unprofessional    Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

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---

5. To what extent are you satisfied with the complaint findings? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

6. Was your School District required to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were the required changes made by your School District? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, what were the required changes not made \_\_\_\_\_

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8. How would you rate your satisfaction with your District's implementation of the required changes? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

9. Were the parents required to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did the parents make the required changes? (Check one.)

Yes     No     Uncertain

If **no** or **uncertain**, what were the required changes not made?

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---

11. How would you rate your satisfaction with the parents' implementation of the required changes? (Check one.)

Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

12. Were the original concerns in the complaint about the child's program resolved by the changes brought about by the complaint? (Check one.)

Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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If **yes**, how was the complaint resolved?

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13. Would you use this dispute resolution process again if the District had a complaint? (Check one.)

Yes     No     Uncertain

If **no**, why not?

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14. When you compare the relationship between the District and the parent before and after the formal complaint, how did it affect this relationship? (Check one.)

- The formal complaint harmed the relationship.  
 The formal complaint had little or no effect on the relationship.  
 The formal complaint improved the relationship.

15. Has the parent or the District filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) involving this student for the same issue(s) as the original concern?

(Check one.)

Yes     No     Don't Know

If **yes**, which dispute resolution process? (Check all that apply.)

complaint                      mediation                      due process hearing

If **yes**, when? \_\_\_\_\_ .  
  Month                      Year

If **yes**, why? \_\_\_\_\_

\_\_\_\_\_

16. Has the parent or the district filed another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding this same student? (Check one.)

Yes     No

If **yes**, when? \_\_\_\_\_ .  
  Month                      Year

If **yes**, what were the issues involved?

\_\_\_\_\_

\_\_\_\_\_

17. Do you have any recommendations regarding how the State formal complaint resolution process could be improved?

\_\_\_\_\_

\_\_\_\_\_

**Thank you!**

**School District Observations**

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your school district was randomly selected to participate in this study to provide your comments about the experience that you had here in \_\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form. Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

Your School District was scheduled to participate in a 19\_\_\_\_ mediation involving \_\_\_\_\_.

1. How would you rate your District's entire experience with this mediation? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did? \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If this mediation request was withdrawn and/or the mediation was not held (no agreement was needed), indicate why, and then skip to question 14.

Reason withdrawn and/or not held: \_\_\_\_\_

\_\_\_\_\_

2. How would you rate the State's organization and timeliness (procedures) for handling this mediation? (Check one.)

- Very good     Good     Neutral     Poor     Very Poor

If you checked very good or very poor, what experience caused you to rate this question the way you did? \_\_\_\_\_

\_\_\_\_\_

3. Were the State mediation procedures made clear to your District and were you allowed to use them during the mediation process (i.e., bringing relevant material, etc.)? (Check one in each line below.)

- Explained procedures:     Yes     No     Not Sure  
Able to use procedures:     Yes     No     Not Sure

Comment: \_\_\_\_\_

\_\_\_\_\_

4. How would you rate the demeanor of the mediator? (Check one.)

Very Professional    Professional    So-so    Unprofessional    Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

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---

5. To what extent are you satisfied with the mediation outcome? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

---

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6. Did the school district agree to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were the changes made by your school district? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, what were the changes not made \_\_\_\_\_

---

8. How would you rate your satisfaction with the school district's implementation of the agreement? (Check one.)

Very Satisfied    Satisfied    Neutral    Dissatisfied    Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

---

---

9. Were the parents required to make changes? (Check one.)

Yes    No    Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did they make the changes? (Check one.)

- Yes     No     Uncertain

If **no** or **uncertain**, what were the required changes not made?

---

---

11. How would you rate your satisfaction with the parents' implementation of the agreed upon changes? (Check one.)

- Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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---

12. Were the original concerns about the child's program resolved by the changes brought about by the mediation agreement? (Check one.)

- Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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---

If **yes**, how was the issue(s) resolved?

---

---

13. Would you recommend the use of this dispute resolution process again? (Check one.)

- Yes     No     Uncertain

If **no**, why not?

---

---

14. When you compare the situation before and after the formal mediation, how did it affect the relationship between the family and the school? (Check one.)

- The formal mediation harmed the relationship.  
 The formal mediation had little or no effect on the relationship.  
 The formal mediation improved the relationship.

15. Has the parent or district filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) for the same issue(s) as the original concern? (Check one.)

Yes     No

If **yes**, which dispute resolution process? (Check all that apply.)

    complaint            mediation            due process hearing

If **yes**, when? \_\_\_\_\_ .  
                                    Month            Year

If **yes**, why? \_\_\_\_\_

\_\_\_\_\_

16. Has the parent or district requested another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding the child's program? (Check one.)

Yes     No

If **yes**, when? \_\_\_\_\_ .  
                                    Month            Year

If **yes**, what were the issues involved? \_\_\_\_\_

\_\_\_\_\_

14. Do you have any recommendations regarding how the mediation process could be improved?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Thank you!**



**School District Observations**

**National Dispute Resolution Effectiveness Study**

The State Department of Education is participating in a national study of dispute resolution procedures (formal complaint resolution, mediation, and due process hearings). Your school district was randomly selected to participate in this study to provide your comments about the experience that you had here in 19\_\_\_\_. Your responses will remain confidential and used only to provide a composite picture of dispute resolution nationwide. It will take approximately 10 minutes of your time to complete this form.

Please complete this form and return in the enclosed stamped envelope. In advance, thank you for your time and sharing your observations with us.

Your School District was involved in a due process hearing request for \_\_\_\_\_ in \_\_\_\_\_. If you reached a settlement agreement instead of having a due process hearing, skip to question 6 and start there. If the request was withdrawn, indicate the reason at the bottom of question 1 and skip to question 14.

1. How would you rate your District's entire experience with this due process hearing process?

(Check one)

- Very good       Good       Neutral       Poor       Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did?

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If the due process hearing request was withdrawn and a settlement agreement was not reached, indicate reason for the withdrawal, and then skip to question 14.

Reason withdrawn: \_\_\_\_\_

2. How would you rate the State's organization and timeliness (procedures) for handling this due process hearing? (Check one)

- Very good       Good       Neutral       Poor       Very Poor

If you checked **very good** or **very poor**, what experience caused you to rate this question the way you did?

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3. Were the State due process hearing procedures made clear to your District and were you allowed to use the procedures during the due process hearing (i.e., provide written materials, call experts, etc.)? (Check one in each line below)

Explained procedures:  Yes  No  Not Sure

Able to use procedures:  Yes  No  Not Sure

Comment: \_\_\_\_\_  
\_\_\_\_\_

4. How would you rate the demeanor of the due process hearing officer? (Check one)

Very Professional  Professional  So-so  Unprofessional  Very Unprofessional

If you checked **very professional** or **very unprofessional**, what experience caused you to rate this question the way you did?

\_\_\_\_\_  
\_\_\_\_\_

5. To what extent are you satisfied with the due process hearing outcome? (Check one)

Very Satisfied  Satisfied  Neutral  Dissatisfied  Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

\_\_\_\_\_  
\_\_\_\_\_

6. Was the school district required to make changes by the due process hearing decision or settlement agreement? (Check one)

Yes  No  Uncertain

If **no** or **uncertain**, skip to question 9.

7. Were these required changes made by your school district? (Check one)

Yes  No  Uncertain

If **no** or **uncertain**, what were the changes not made \_\_\_\_\_  
\_\_\_\_\_

8. How would you rate your satisfaction with the school district's implementation of the due process hearing decision or settlement agreement? (Check one)

Very Satisfied  Satisfied  Neutral  Dissatisfied  Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did? \_\_\_\_\_  
\_\_\_\_\_

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9. Were the parents required to make changes by the hearing decision or settlement agreement?

(Check one)

Yes     No     Uncertain

If **no** or **uncertain**, skip to question 12.

10. Did they make the required changes? (Check one)

Yes     No     Uncertain

If **no** or **uncertain**, what were the required changes not made?

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11. How would you rate your satisfaction with the parents' implementation of the changes required by the hearing or settlement agreement? (Check one)

Very Satisfied     Satisfied     Neutral     Dissatisfied     Very Dissatisfied

If you checked **very satisfied** or **very dissatisfied**, what experience caused you to rate this question the way you did?

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12. Were the original concerns about the child's program resolved by the changes brought about by the due process hearing decision or settlement agreement? (Check one)

Yes     No     Uncertain

If you responded **no** or **uncertain**, Why did you rate this question the way you did?

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If **yes**, how was the issue(s) resolved?

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13. Would you recommend the use of this dispute resolution process again? (Check one)

- Yes    No    Uncertain

If no, why not? \_\_\_\_\_

14. When you compare the situation before and after the due process hearing efforts, how did it affect the relationship between the family and the school? (Check one)

- The due process hearing efforts harmed the relationship.  
 The due process hearing efforts had little or no effect on the relationship.  
 The due process hearing efforts improved the relationship.

15. Has the parent or district filed or requested another dispute resolution (complaint, mediation, and/or due process hearing) for the same issue(s) as the original concern? (Check one)

- Yes    No

If yes, which dispute resolution process? (Check all that apply)

- complaint    mediation    due process hearing

If yes, when? \_\_\_\_\_ .  
                                Month                  Year

If yes, why? \_\_\_\_\_  
\_\_\_\_\_

16. Has the parent or district requested another dispute resolution (complaint, mediation, and/or due process hearing) for another issue(s) regarding this child's program? (Check one)

- Yes    No

If yes, when? \_\_\_\_\_  
                                Month                  Year

If yes, what were the issues involved? \_\_\_\_\_  
\_\_\_\_\_

14. Do you have any recommendations regarding how due process hearings could be improved?  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Thank you!**