

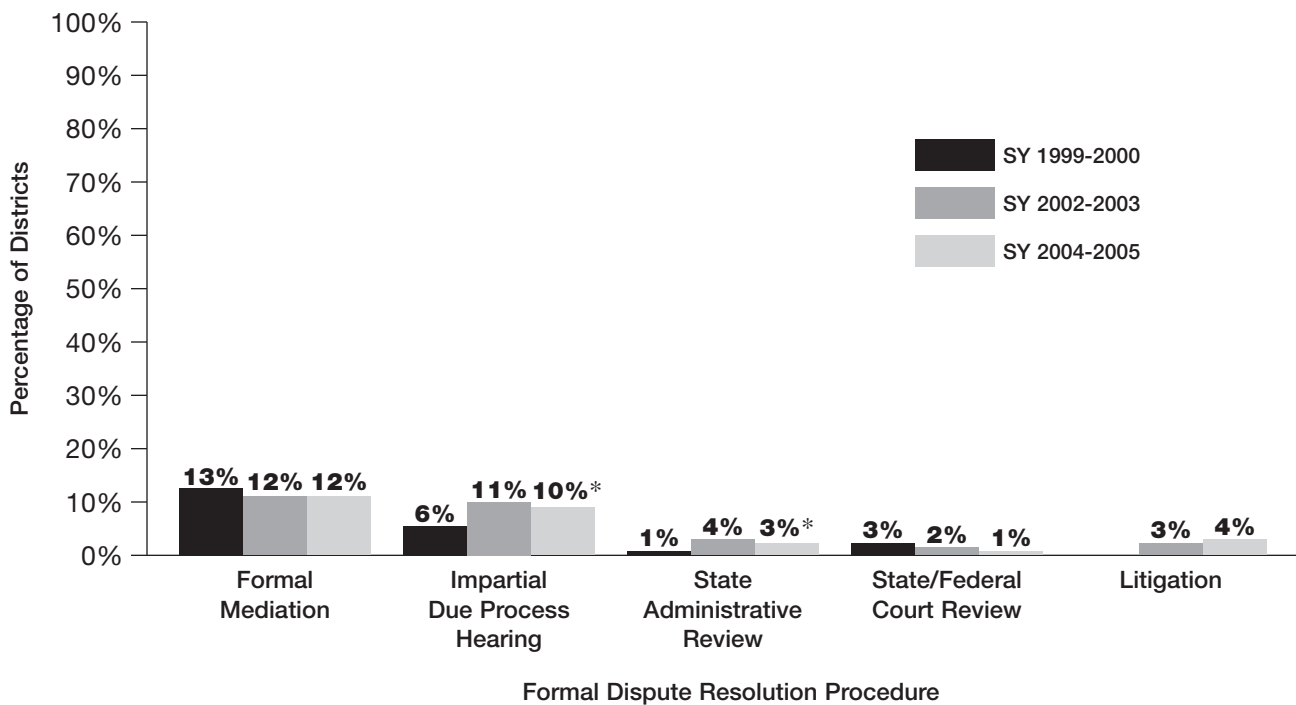
Resolving Disagreements between Families and Schools

From its inception in 1975, the Education for All Handicapped Children Act, now the Individuals with Disabilities Education Act (IDEA), envisioned important roles for parents in the planning of educational services for their children with disabilities. The law included procedural safeguards to help schools and families resolve disagreements and disputes that might arise while planning and implementing educational programs. These safeguards gave parents access to the following dispute resolution

procedures when disagreements arose: formal mediation of disputes, impartial due process hearings, state administrative reviews of hearing decisions, and review by the state and Federal courts.

Although the number of formal disputes has been low over the years, district and school staff reported lingering negative effects on the district when disputes occurred. In general, district administrators and school staff perceived

Figure 1
Percentage of Districts Conducting Various Dispute Resolution Procedures with Parents of Students with Disabilities



Notes: a) on "Formal Mediation": The wording of this item changed from "mediation" in the SY 1999-2000 survey to "mediation following a due process request" in SY 2002-2003 and SY 2004-2005 surveys. b) on "Litigation": This item was not included in the SY 1999-2000 survey.
 *p<0.05

a need for excessive documentation of compliance with IEP requirements to protect the district and staff in case of a due process filing or litigation. Responding to such negative effects, the 1997 amendments to IDEA asked states to use and promote alternatives to formal dispute resolution procedures (ADRP) before moving on to mediation or any due process procedures. These alternative procedures were designed to be less formal and less adversarial, and potentially a better fit for the problem. Below we report on the formal dispute resolution procedures and ADRPs used by districts over the 1999-2000, 2002-2003, and 2004-2005 school years.

Consistently, formal disputes at the district level were low. (See Figure 1)

For instance, our study found that during the 2004-2005 school year:

- Twelve percent of districts conducted or participated in one or more formal mediations following a due process request, and 10 percent engaged in impartial due process hearings. Very few districts (3 percent) conducted or participated in state administrative reviews of hearing decisions, state or Federal court reviews of hearing decisions (1 percent), or litigation (4 percent). For each of these dispute resolution procedures, a median of one procedure was conducted in each district.
- At both the state and district levels, the topics of concern in dispute resolution procedures focused most frequently on students' education programs as set forth in the IEP and students' educational placement.

Although the practice remains rare, districts almost doubled the percentage of impartial due process hearings conducted between the 1999-2000 and 2002-2003 school year, while percentages of mediations remained the same.

(See Figure 1)

For instance, our study found that:

- While few districts used any of these procedures in the 2004-2005 school year, fewer districts used these procedures in the 1999-2000 school year, except for the use of formal mediations and state/Federal court review.¹ Only 6 percent of districts in the 1999-2000 school year conducted impartial due process hearings compared to 10 percent in the 2004-2005 school year. Just 1 percent of districts in the 1999-2000 school year conducted state administrative reviews of hearing decisions compared to 3 percent in the 2004-2005 school year.
- One-fourth of districts used alternative dispute resolutions procedures.

¹ The wording of this survey item changed from "mediation" in the SY 1999-2000 survey to "mediation following a due process request" in SY 2002-2003 and SY 2004-2005 surveys.

The results summarized in this fact sheet are based on the six year *Study of State and Local Implementation and Impact of IDEA (SLIIDEA)* supported by the Office of Special Education Programs, Office of Special Education and Rehabilitative Services, U.S. Department of Education, as part of Contract ED-00-C0-0026, conducted by Abt Associates Inc. Any points of view expressed in this fact sheet are those of the authors and do not necessarily reflect the position or policy of the U.S. Department of Education.

Surveys were mailed to key personnel responsible for or familiar with special education issues in all 50 states and the District of Columbia - a total of 959 districts and 4,434 schools. For state, district, and school surveys, response rates were 100 percent, 89 percent, and 80 percent, respectively in the 2004-2005 school year. Similar response rates were obtained for the 2002-2003 school year.

From Abt Associates Inc (2006 April). *Marking the Progress of IDEA Implementation and Volume I: The SLIIDEA Sourcebook Report (1999-2000, 2002-2003, 2003-2004, and 2004-2005 School Years)*. Study reports, data tables and technical documentation are available at <http://abt.sliidea.org>.