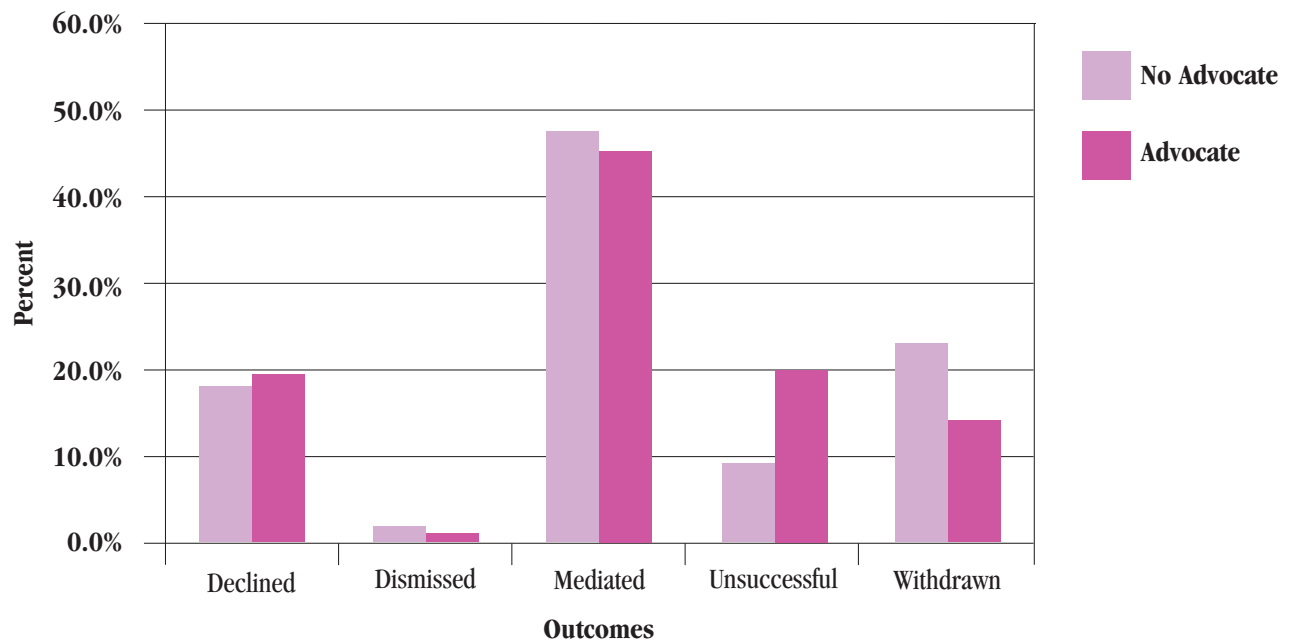


Pennsylvania does not allow attorneys at mediations. Another of the seven states did not have information about the presence of attorneys/advocates at mediations in their database. Using the remaining five states, Figures 6 and 7 have been constructed to determine if linkage and attorney and/or advocacy 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 Maximum withdrawn cases occurred when there was no linkage with due process hearing and no attorney/advocate involved.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Complaint	Withdrawn	444	17.0
Subtotal		2,617	100.0
Due Process Hearings	Decision	755	18.7
Due Process Hearings	Dismissed	261	6.4
Due Process Hearings	Withdrawn	3,032	74.9
Subtotal		4,048	100.0
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
Subtotal		2,295	100.0

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?

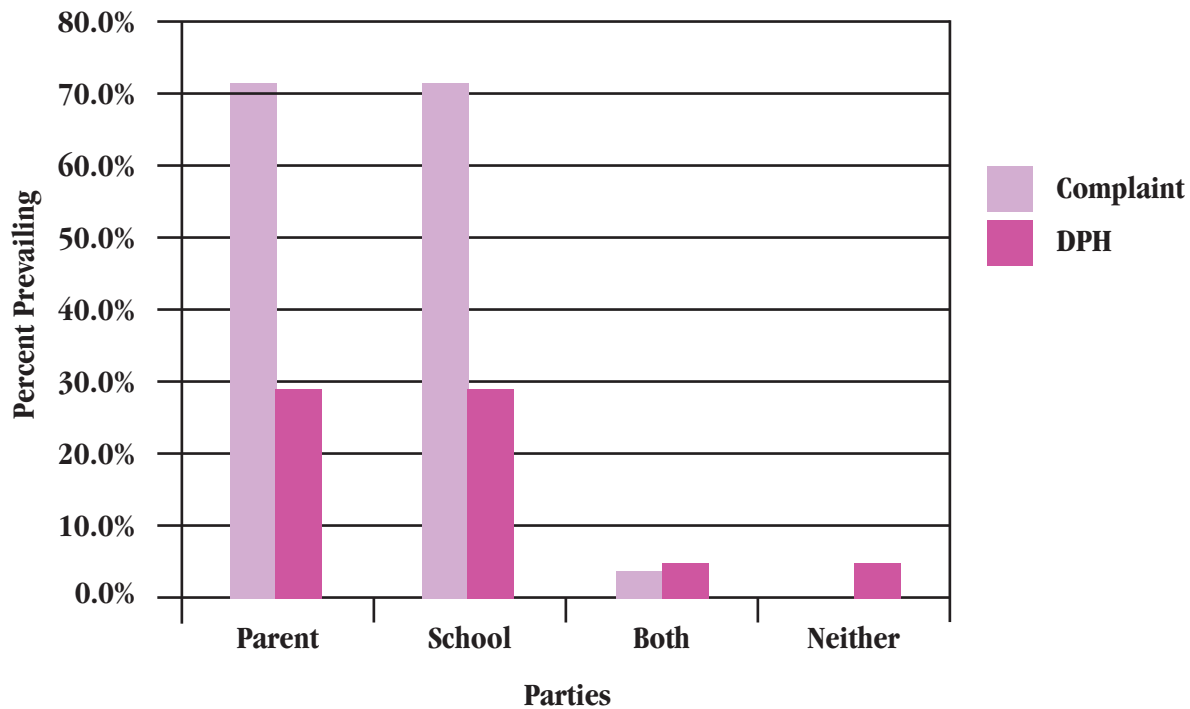
Of the 128 cases interviewed in the satisfaction survey, 28 disputes were withdrawn for a variety of reasons. The most prevalent reason (46 percent of the time) for withdrawing involved local resolution. Local resolution was achieved in IEP meetings, team intervention, school official participation, 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 to 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	
Due Process Hearings	Not Satisfied	Satisfied
Low Satisfaction	2	1
High Satisfaction	0	6
Mediation	Not Satisfied	Satisfied
Low Satisfaction	4	2
High Satisfaction	1	3
Complaints	Not Satisfied	Satisfied
Low Satisfaction	4	0
High Satisfaction	1	3
Dispute Resolution Systems - All	Not Satisfied	Satisfied
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	
Due Process Hearings	Not Satisfied	Satisfied
Low Satisfaction	14	1
High Satisfaction	0	2
Mediation	Not Satisfied	Satisfied
Low Satisfaction	14	0
High Satisfaction	1	0
Complaints	Not Satisfied	Satisfied
Low Satisfaction	4	0
High Satisfaction	0	1
Above Dispute Resolution Systems	Not Satisfied	Satisfied
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	
Due Process Hearings	Not Satisfied	Satisfied
Low Satisfaction	4	0
High Satisfaction	1	6
Mediation	Not Satisfied	Satisfied
Low Satisfaction	3	1
High Satisfaction	0	8
Complaints	Not Satisfied	Satisfied
Low Satisfaction	4	0
High Satisfaction	1	5
Dispute Resolution Systems - All	Not Satisfied	Satisfied
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	
Due Process Hearings	Not Satisfied	Satisfied
Low Satisfaction	10	1
High Satisfaction	1	1
Mediation	Not Satisfied	Satisfied
Low Satisfaction	9	0
High Satisfaction	0	2
Complaints	Not Satisfied	Satisfied
Low Satisfaction	5	1
High Satisfaction	0	1
Above Dispute Resolution Systems	Not Satisfied	Satisfied
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
Subtotals	21	11

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
Subtotal - # of Cases			52
Complaint	Due Process Hearing	Complaint	12
Complaint	Due Process Hearing	Due Process Hearing	27
Complaint	Due Process Hearing	Mediation	7
Subtotal - # of Cases			46
Complaint	Mediation	Complaint	7
Complaint	Mediation	Due Process Hearing	13
Complaint	Mediation	Mediation	6
Subtotal - # of Cases			26
Due Process Hearing	Complaint	Complaint	18
Due Process Hearing	Complaint	Due Process Hearing	28
Due Process Hearing	Complaint	Mediation	7
Subtotal - # of Cases			
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
Subtotal - # of Cases			76

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
Subtotal - # of Cases			40
Mediation	Complaint	Complaint	15
Mediation	Complaint	Due Process Hearing	13
Mediation	Complaint	Mediation	5
Subtotal - # of Cases			33
Mediation	Due Process Hearing	Complaint	21
Mediation	Due Process Hearing	Due Process Hearing	30
Mediation	Due Process Hearing	Mediation	12
Subtotal - # of Cases			63
Mediation	Mediation	Complaint	4
Mediation	Mediation	Due Process Hearing	18
Mediation	Mediation	Mediation	8
Subtotal - # of Cases			30

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
Subtotal		124	100.0
Mediation	Mediation	30	23.8
Mediation	Other	96	76.2
Subtotal		126	100.0
Due Process Hearings	Due Process Hearings	76	45.0
Due Process Hearings	Other	93	55.0
Subtotal		169	100.0

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

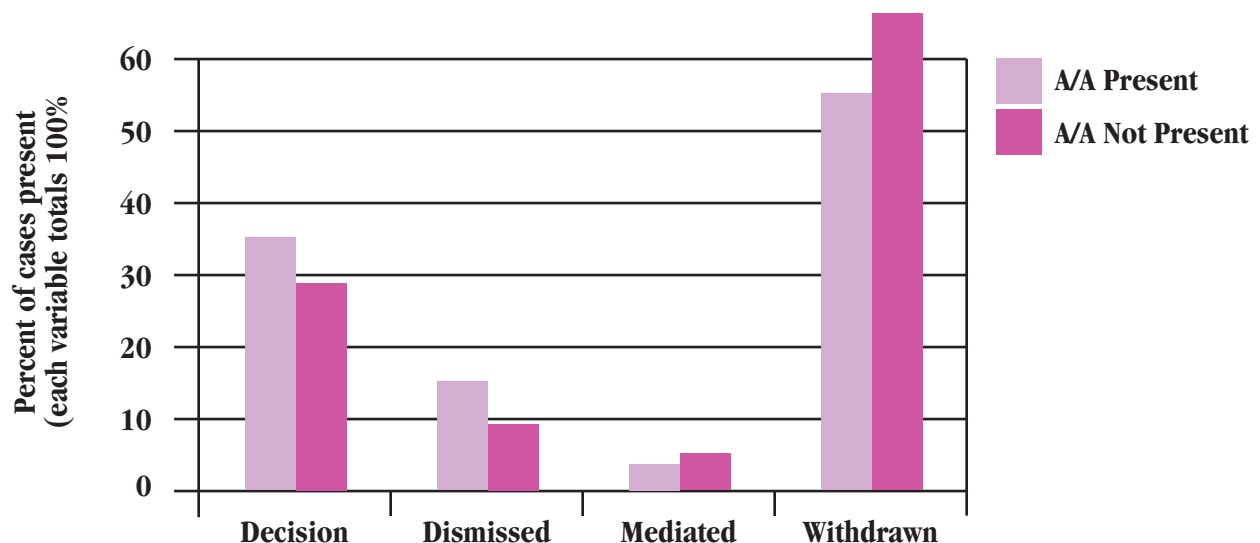
15. Is there a relationship between successful mediations and the involvement of advocates within the mediation process?

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
Subtotal		566	100.0
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
Subtotal		510	100.0

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
Subtotal		1,300	100.0
Decision	No	145	29.1
Dismissed	No	45	9.0
Mediated	No	25	5.0
Withdrawn	No	283	56.8
Subtotal		498	100.0

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
Subtotal		400	100.0
No	Both	5	4.4
No	Neither	10	8.8
No	Parent	14	12.3
No	School	85	74.6
Subtotal		114	100.0

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
Totals	2,002	100.0	620	100.0

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
Totals	1,090	100.0	2,957	100.0

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

Type of Resolution	School Official Suggested Changes	Parent Suggested Changes
<p>Due Process</p>	<ul style="list-style-type: none"> • 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. • Issues in dispute should be judged by peers, rather than attorneys. • A larger pool of hearings officers is needed. • 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. • SEAs need to implement procedures for more timely resolution of due process hearing decisions. • Time limits should be set on due process hearings. 	<ul style="list-style-type: none"> • There should be earlier resolution so that children don’t lose valuable time while the due process clock is ticking. • 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. • Districts must be held accountable for implementing settlement agreements and hearing decisions (e.g., state monitoring, review board, or another process). • Parents need to be better informed about the due process procedures and their implications (e.g., time and finances). • The due process procedures are effective in resolving concerns.