

### **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.

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**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						
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	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.

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<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						
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<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>	

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				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.

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<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>



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	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

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						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>

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<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.	