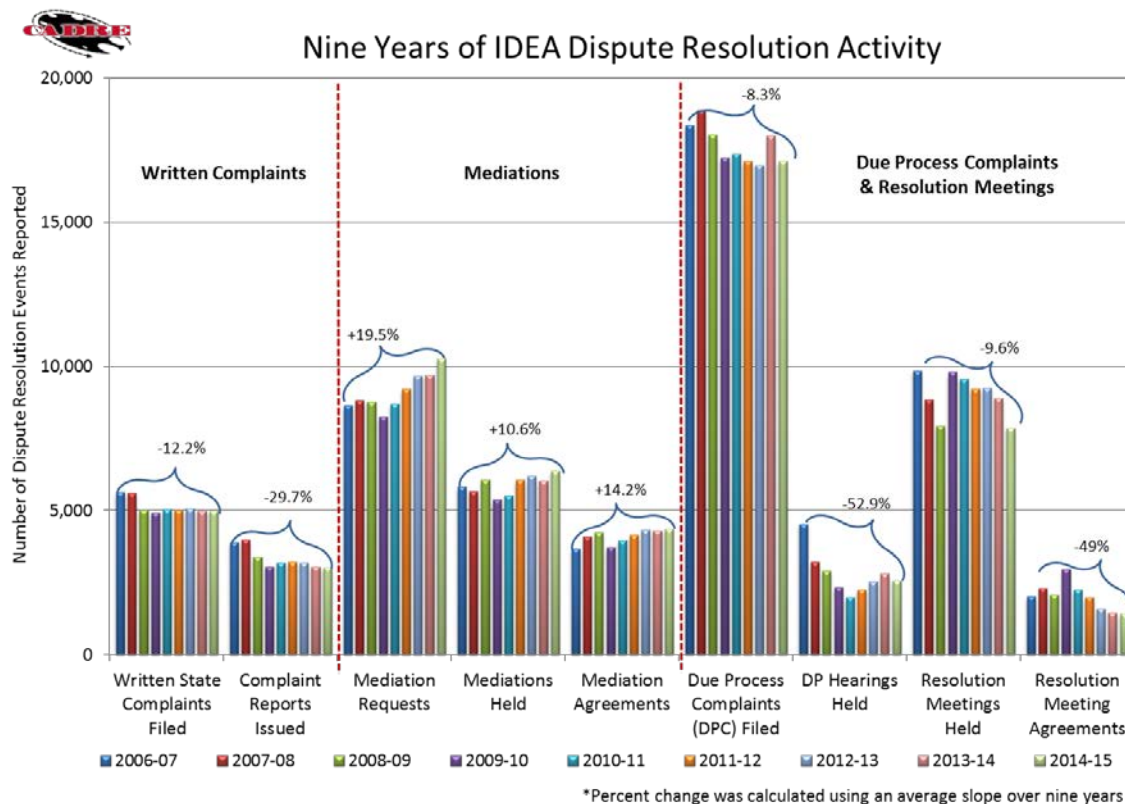


Trends in Dispute Resolution under the Individuals with Disabilities Education Act (IDEA)

Updated October 2016

States and entities receiving IDEA Part B funds are required to offer four processes to resolve disagreements arising under the IDEA: Written State Complaints, Mediation, and Due Process Complaints, which include Resolution Meetings. Since 2006, more adversarial processes (i.e., Written State Complaints, Due Process Complaints) have been on the decline, while optional, collaborative approaches to resolving disputes, such as Mediation and IEP facilitation, are on the rise.



Trends in the Use of Mandated IDEA Dispute Resolution Processes

- *Written State Complaints* and *Complaint Reports Issued* have remained relatively steady over the past 7 years. Activity is broad-based across states, as compared to Due Process Complaint activity.
- *Mediations Requested*, *Mediations Held*, and *Mediation Agreements* have increased during the last 9 years, due to a nearly 20% increase in due process-related mediation. The national average mediation agreement rate is 69%.
- *Due Process Complaints* filed continue to decline following a slight uptick in 2013-14 that was attributable to activity in 2 states. Overall, 7 states account for 80% of *Due Process Complaints* filed and 5 states account for 90% of *Due Process Hearings Held*.
- *Resolution Meetings Held* and *Resolution Meeting Agreements* have both declined since 2006-07, with the agreement rate dropping to 19% in 2014-15 from a peak of 30% in 2009-10.
- Most (about 85%) *Due Process Complaints* filed each year are withdrawn, dismissed, or resolved without a hearing (about 65%), or pending at the end of the school year (about 20%).

Support for More Collaborative Dispute Resolution Approaches

- Based on CADRE's examination of state practices, we believe that the use of collaborative approaches can lead to a decreased use of formal dispute resolution processes and may foster better school-family relationships.
 - Some states that offer facilitators for *Resolution Meetings* have agreement rates that are higher than the national average, reinforcing the belief that third party neutrals may improve the likelihood that potentially contentious meetings end in agreement.
 - Some states that offer facilitators for IEP meetings have experienced a decrease in the use of formal dispute resolution processes available under IDEA.
- States continue to make investments in early conflict resolution activities that are not required by the IDEA, such as local capacity building, stakeholder training, ombudspersons, advisory opinions, stakeholder councils, and other innovative approaches.
- 43 states and D.C. currently provide IEP facilitation, or are developing or exploring its use:
 - 36 of these currently offer IEP facilitation statewide or are piloting programs in select school districts (compared to 9 in 2005, and 29 in 2015).

