

DISPUTE RESOLUTION UNDER IDEA 1997: MEDIATION SURVEY

Introduction:

In the interest of providing timely information to Congress and other interested parties, this brief report is being released. A more detailed description of the study and analysis will be made and published by NASDSE at a later time.

Purpose of Survey:

IDEA 1997 requires that states offer mediation in conjunction with the filing of a due process hearing. All states meet this requirement by seeing that mediation is offered and paying for the costs. The purpose of this inquiry was to learn about the other times states offer mediation to resolve disputes. The results of the survey will be shared with the General Accounting Office to share with Congress, the state directors of special education who responded to the survey, and to others whose work would be enhanced by the information.

Methodology:

A survey was sent via email to the state directors of special education of the 50 states and the federal jurisdictions. The directors were asked: **When does your state department of education offer mediation? (Check all that apply).** Five possible responses were offered: (1) As required in conjunction with the filing of a due process hearing, (2) In connection with the filing of a state complaint, (3) Anytime parents or school districts request a state mediation, (4) When the state education agency learns of a problem, but before a formal complaint is filed, and (5) In other circumstances (describe briefly). State directors were requested to respond or assign it to the appropriate staff member for response. Follow up emails and telephone calls were made to secure responses from all states.

Results:

The data submitted are reported in attachment A. All 50 states and three federal jurisdictions responded to the survey. All respondents reported that they offered mediation as required in conjunction with the filing of a due process hearing, so for the first option, 53 or 100% of the respondents offered this option. For response number two, 25 or 47% provide the option of mediation in connection with the filing of a state complaint. Forty-seven respondents said that they offered mediation anytime parents or school districts request it. This is 87% of the states/jurisdictions. Sometimes states offer mediation when the state education agency learns of a problem, but before a formal complaint is filed. Twenty-nine or 55% reported this option. Nineteen or 36% of the respondents reported the offer of mediation at other times. Look in the attachment for examples of this option.