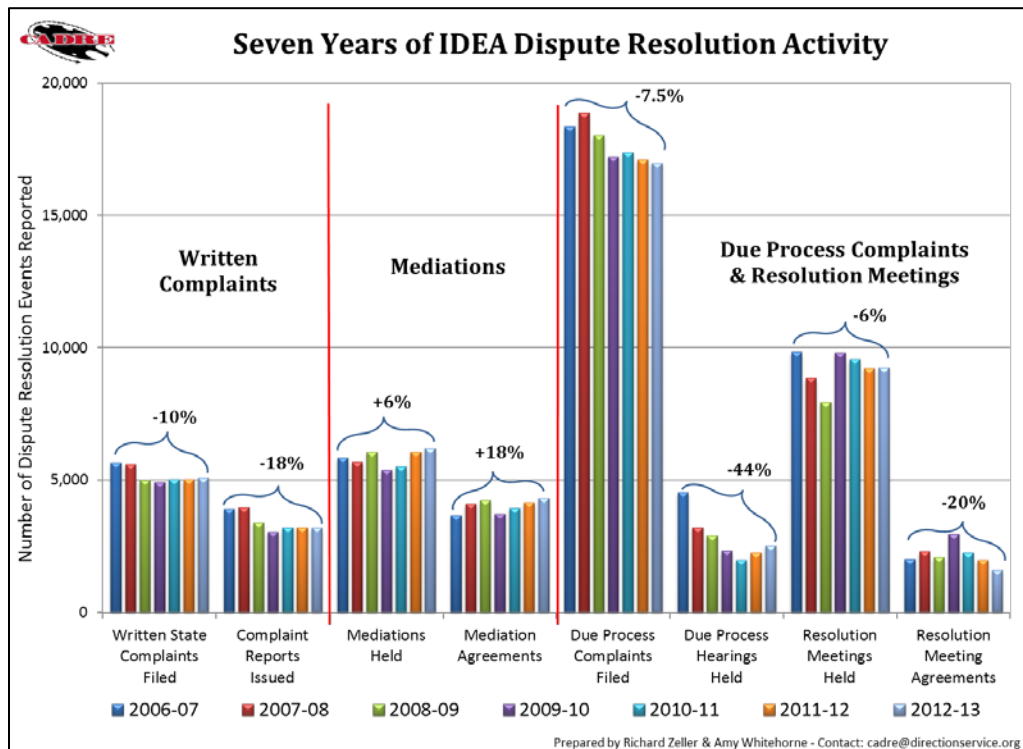


## **Trends in Dispute Resolution under the Individuals with Disabilities Education Act (IDEA)**

Updated December 2014

The IDEA requires states to offer formal processes to resolve conflicts arising between parents and schools. Use of adversarial processes, such as *Due Process Complaints/Hearings*, grew from the 1990s through 2005, but has declined since 2006. Instead, the use of early, more collaborative approaches to resolving IDEA-related disputes between families and schools, such as IEP facilitation, is on the rise.



### **Trends in the Use of IDEA-required Dispute Resolution Approaches Since 2006-07**

- *Written Complaints* have declined by 10%, *Due Process Complaints* by 7.5%, and *Due Process Hearings* by 44%. Variability in the number of *Due Process Hearings* over the last two years is attributable to a small number of states/jurisdictions.
- *Mediations Held* are up, attributable to a 20% increase in the use of mediation related to due process. The average rate of agreement for mediation is relatively steady at 70%.
- *Resolution Meetings Held* have changed little since 2006-07, and *Resolution Meeting Agreements* rates have declined – down to 17.5% in 2012-13 from a high of 30% in 2009-10.
- On average, the majority of *Due Process Complaints* filed each year are withdrawn, dismissed, or resolved without a hearing (68%), or pending at the end of the school year (16%).

### **Support for More Collaborative Dispute Resolution Approaches**

- States are making significant investments in early collaborative alternative dispute resolution activities:
  - 44 states/jurisdictions are providing, developing, or exploring the use of IEP facilitation;
  - 30 of these currently offer IEP facilitation statewide (compared to 9 in 2005); and
  - At least 24 states support other activities, including local capacity building, ombudspersons, stakeholder training, advisory opinions, stakeholder councils, and other innovative approaches.
- Six of the states that offer facilitators for *Resolution Meetings* show higher average resolution agreement rates over this seven year period, 45% to 79%, compared to 24% nationally.
- Some states indicate that the use of collaborative approaches may be linked to less use of formal processes, fiscal savings, and improved school-family relationships.



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