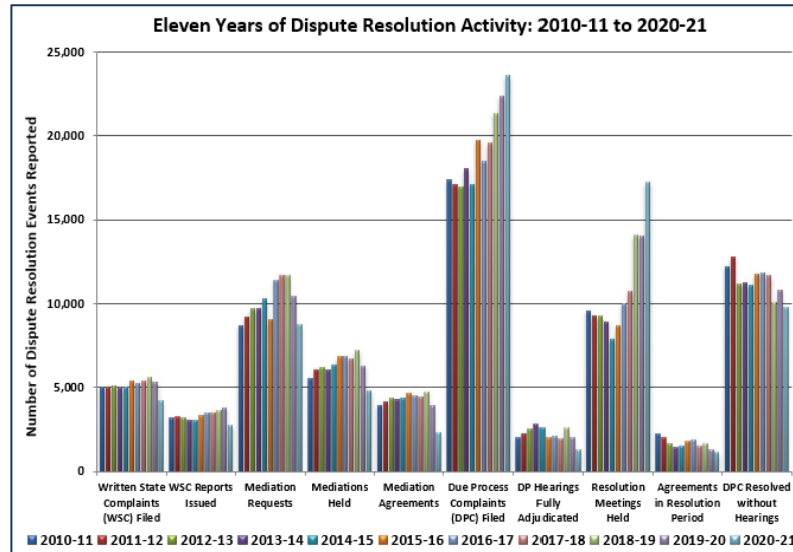


Trends in Dispute Resolution (DR) under the Individuals with Disabilities Education Act (IDEA)

Updated September 2022

IDEA requires states and entities receiving Part B funds to offer processes for resolving disagreements under the regulations. These processes include written State complaints, mediation, and due process complaints (which include resolution meetings). The 2020-21 school year (SY 2020) marked the first data collected entirely within the context of the COVID-19 pandemic. During this time the nation experienced school closures and alternative education environments replacing traditional brick and mortar classrooms. While written State complaints and mediations saw a decrease in activity in SY 2020, due process filings rose during the same time period.



Written State Complaints: The number of *Written State Complaints (WSC) Filed* had remained relatively steady between SY 2010 and SY 2019, with a 10 year average of 5,201. SY 2020 saw a 19% decrease in filings from the prior 10 year mean, to 4,186. However, the results of the State complaints filed remained relatively consistent, with 64% of reports issued yielding findings of noncompliance. The majority (92%) of State complaint investigations continued to be timely (up from 89% in SY 2019). Pending complaints remained steady at just over 3%, while *Complaints Withdrawn or Dismissed* rose slightly from 27.1% to 30.4% over SY 2019.

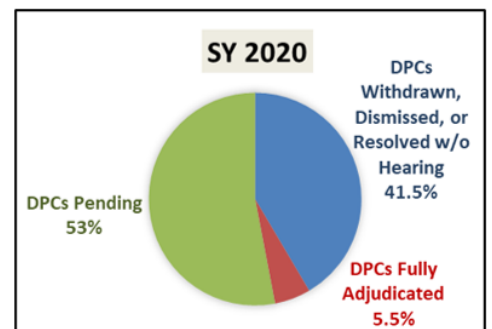
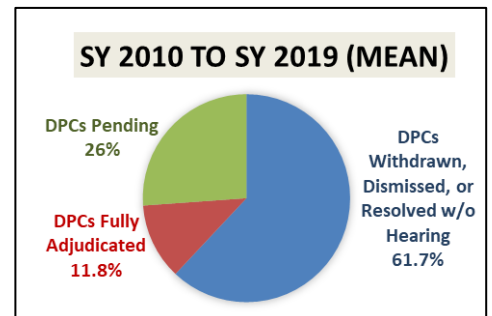
Mediations: *Mediation Requests, Mediations Held and Mediation Agreements*, all decreased slightly in SY 2019, and showed a marked decline in 2020-21. From SY 2019 to SY 2020, *Mediation Requests* decreased 16%, *Mediations Held* decreased 23.7%, and *Mediation Agreements (for both Due Process and non-due process*

mediations) dropped from nearly 62% nationally to 48.5%, the lowest agreement rate since CADRE started tracking the data in SY 2004. However, SY 2020 did show that *Mediation Agreements Not Related to Due Process* did demonstrate a much higher agreement rate of 69%, compared to the 32.9% agreement rate reported for *Mediation Agreements Related to Due Process*.

Due Process Complaints: The number of *Due Process Complaints Filed* reached another 11-year peak for the fifth consecutive year in 2020-21, at 23,567 filings nationally, marking a 25% increase over 11 years. Two States accounted for nearly 77% of the due process complaints filed (up from their representing 68% in SY 2019), with one State contributing a staggering 62% of the total due process complaint activity in SY 2020. Four states accounted for nearly 88% of the fully adjudicated due process complaints in SY 2020, with one State reporting over 50% of them. As shown in the charts to the right, for the decade prior to 2020-21 (SY 2010 to SY 2019), 61.7% of the *Due Process Complaints Filed* were withdrawn, dismissed, or resolved without a hearing, with 26% pending at the end of the reporting period (88% overall). In comparison, SY 2020 saw an increase over the previous ten year average, with 41.5% of due process complaints reported withdrawn, dismissed, or resolved without a hearing, and 53% remained pending (an increase to 94.5% overall). Only 5.5% of *Due Process Complaints Filed* resulted in a fully-adjudicated hearing in 2020-21, compared to 11.8% in 2019-20.

Resolution Sessions: *Resolution Meetings Held* continued an upward trend, with an increase of 22.6% over SY 2019. Despite the increase, settlement agreements continued to fall far short of the number of meetings held, resulting in a national *Settlement Agreements in Resolution Period* rate of 6.5% (down from 9% in 2019-20). Settlement agreements in the resolution period have shown steady decline, ending 50% lower (1,124) in SY 2020 as compared to the previous ten year average (2,279).

Collaborative Dispute Resolution Approaches: The SY 2020 DR data reflects the substantial disruption of the COVID-19 pandemic. During this period, however, states continued to make investments in early conflict resolution activities not required by the IDEA, while simultaneously working to improve required DR systems. A bright spot in the data for 2020-21 can be found in the high mediation agreement rates for mediations held not related to due process complaints. Additionally, innovations in virtual DR options, such as IEP facilitation, mediations, DP resolution meeting, and hearings were widespread and continue to be part of the DR landscape. CADRE contends that well-designed, skillfully implemented, and collaborative approaches, such as IEP facilitation and mediation, can mitigate the reliance on more adversarial and costly dispute resolution processes. Early dispute resolution options are generally cost-effective and more expedient than other processes and may foster collaborative educator-family relationships.



*Percentages calculated using raw numbers from CADRE's National Longitudinal Database. See [National Data Summary](#) for more information.