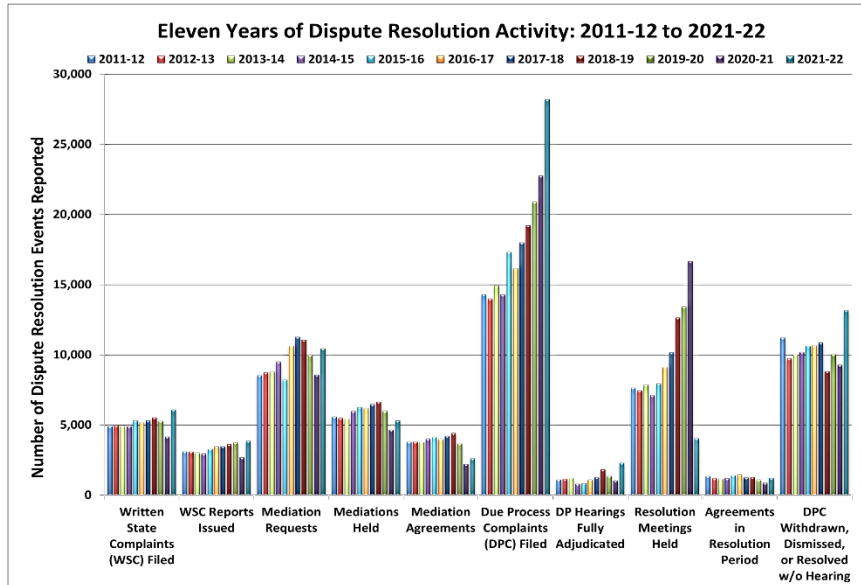


Trends in Dispute Resolution (DR) under the IDEA for SY 2021-22

(Updated December 2023)

IDEA regulations require states and entities receiving Part B funds to offer processes for resolving disagreements. These processes include written State complaints, mediation, and due process complaints (which include resolution meetings). The 2021-22 school year (SY 2021) represented data collected as the nation emerged from the COVID-19 pandemic, where, in the previous year, school closures and alternative education environments replaced in-class instruction. Disputes related to the disruption caused by the pandemic may have contributed to fluctuations evident in the SY 2021 data.



Written State Complaints: The number of *Written State Complaints (WSC) Filed* had remained relatively steady between SY 2011 and SY 2019, with an average rate of 5129 filed. SY 2020 saw an 18% decrease from the 10-year mean. However, 2021-22 realized a jump of 47% over the prior year, with a significant increase of 20.4% over the previous 10-years' average. In SY 2021, the number of *WSC Reports Issued with Findings of noncompliance* was 55.6%, down from a 10-year average of 62.8%. The majority (87%) of State complaint investigations continued to be completed within the 60-day timeline (although down from an average of 92.5% over the previous decade). In SY 2021, *WSC Pending* increased 43%, to 225, over the previous 10-year average of 133.

Mediations: Prior to the pandemic, *Mediation Requests*, *Mediations Held*, and *Mediation Agreements* had started to trend slightly

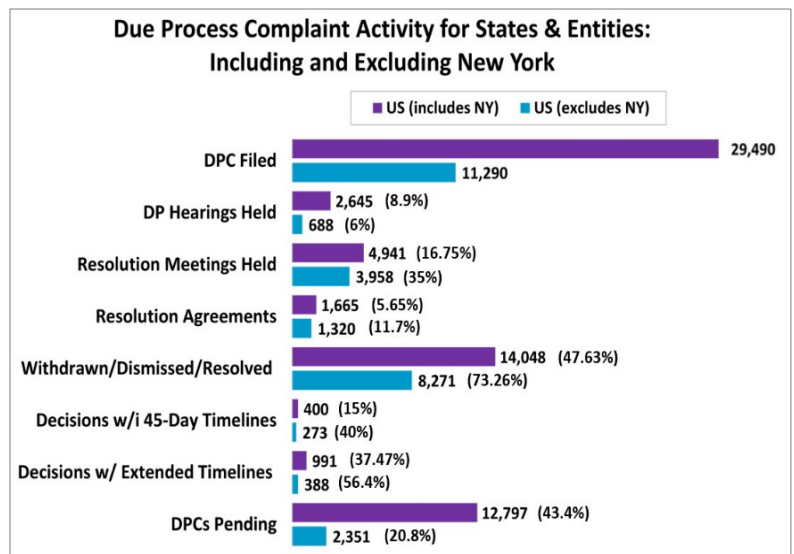
downward in SY 2019, then experienced a marked decline (nearly 25% in *Mediations Held*) in SY 2020. In SY 2021, only *Mediation Requests* rebounded to pre-pandemic levels, increasing 3.7% over SY 2019, ending at 5.3% above the previous 10-year average. However, *Mediations Held* fell 11.6% from the previous decade's average to 5,597. *Mediation Agreements (for both due process and non-due process mediations)*, while slightly increasing to 51%, were still below the previous 10-year average, and close to SY 2020's record low of 48.5%. SY 2021 continued to demonstrate a trend of *Mediation Agreements Not Related to Due Process* experiencing a much higher agreement rate (70%, a slight increase over SY 2020) as compared to the rate reported for *Mediation Agreements Related to Due Process* (34.5%).

Due Process Complaints: One state, New York, accounted for nearly 65% of the DPCs filed nationally, realizing a 25% increase over the previous year. Notably, this marked a 198% increase in filings over the previous 10-year period. Given this significant outlier, identified trends inclusive of New York's data did not accurately represent the national picture for DPCs. **Therefore, we present the following national DPC trends exclusive of New York's SY 2021 data.**

In 2021-22, *DPCs Filed* returned to slightly (2.5%) below the previous 10-year average with 11,290 filings, having fallen 29% during the pandemic (SY 2020). Of the DPCs filed, 73% were withdrawn, dismissed, or resolved without a hearing, an increase over the 10-year average of 69%, with 21% pending at the end of the reporting period (a rise of 2.5% above the 10-year mean). Nearly 6% of *Due Process Complaints Filed* were fully adjudicated in 2021-22, compared to the 12% averaged over the previous decade.

Resolution Sessions: In SY 2021, *Resolution Meetings Held* (3,958) increased to 35%, representing a 4% increase over the previous 10-year average. *Settlement Agreements in the Resolution Period* rose after two years of decline, to 1,320 (33%), an increase of 12.3% over SY 2019, although 5% lower than the previous decade's average settlement agreement rate of 38%.

Collaborative Dispute Resolution Approaches: The SY 2021 DR data (barring New York's DPC data) generally reflect a return to the national mean after the disruption of the pandemic. Promising national trends include increases in mediation requests, the 70% agreement rate for mediations not related to DPCs, and the increased rates of both resolution sessions and the resulting agreements during the resolution period. States continue to make investments in early conflict resolution activities not required under the IDEA, while simultaneously working to improve required DR systems. CADRE contends that well-designed, skillfully implemented, 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 support the development of productive educator-family relationships.



* Calculations drawn from CADRE's National Longitudinal Database. See CADRE's [National Data Summary](#) for more information.