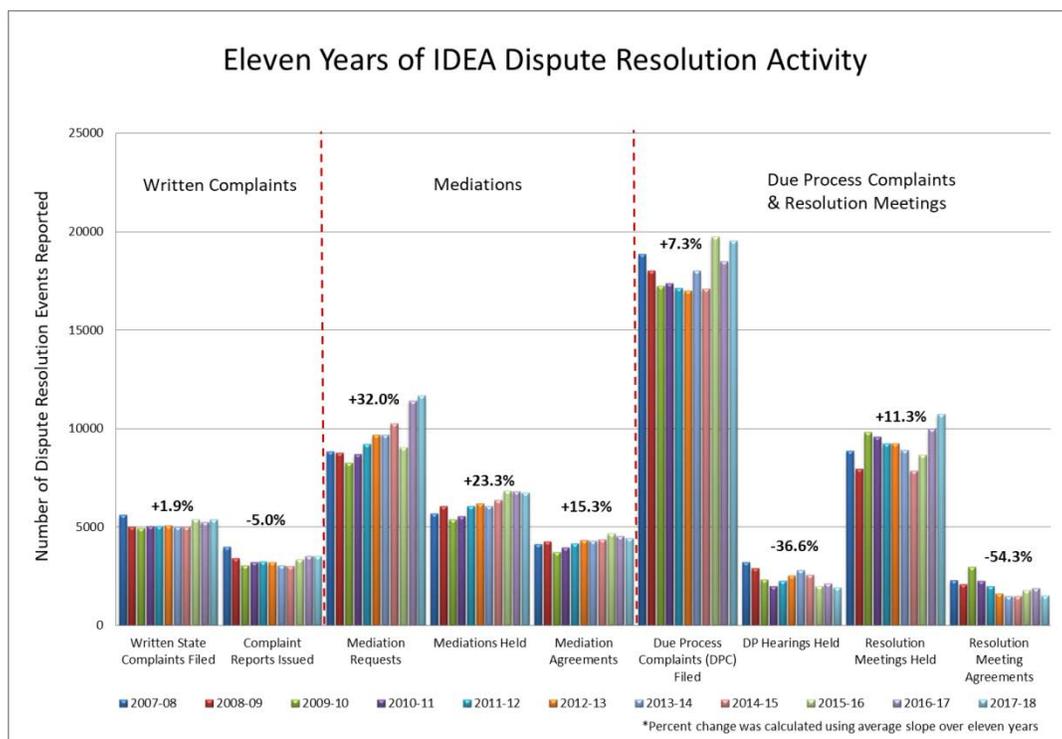


# Trends in Dispute Resolution under the Individuals with Disabilities Education Act (IDEA)

Updated October 2019

IDEA requires that States and entities receiving Part B funds offer processes to resolve disagreements arising under the IDEA. These processes include written state complaints, mediation, and due process complaints (which include resolution meetings). The trends for each dispute resolution process have remained consistent over the past 11 years. Specifically, written state complaint activity remains relatively stable, mediation shows a steady increase and, although the number of due process complaints filed has increased, the number of due process hearings held continues to decline.



## Trends in the Use of Required IDEA Dispute Resolution Processes\*

- *Written State Complaints Filed* and *Complaint Reports Issued* have remained relatively steady over the past seven years, with a slight increase over the last three years. Unlike due process complaint activity, the written state complaint activity is distributed broadly across states.
- With the exception of 2015-16, *Mediation Requests* continue to show significant increase with a 32% change over the last 11 years. The 2017-18 national average mediation agreement rate remained steady at 66%.
- *Due Process Complaints* continue to be on the rise with 2017-18 requests reaching the second highest number in 11 years. Despite the increase in hearing requests, the number of hearings held continues to fall. Overall, four states account for 75% of all *Due Process Complaints* filed and three states account for 80% of *Due Process Hearings Held*.
- The number of *Resolution Meetings Held* continues to be inconsistent over time, with last year marking the highest number of sessions held over an 11-year period. After a two-year spike in *Resolution Meeting Agreements*, the number again decreased to a level consistent with 2012-14. The national average resolution meeting agreement rate shows a significant decline from 19% in 2016-17 to 14% in 2017-18.
- Within the last 11 years, 87% of *Due Process Complaints Filed* are either withdrawn, dismissed, or resolved without a hearing (about 60%), or pending at the end of the school year (about 21%). Only 9% of filed Due Process Hearing Requests in 2017-18 resulted in a fully adjudicated hearing (*DP Hearings Held*).

## Collaborative Dispute Resolution Approaches

- CADRE contends that well-designed and skillfully implemented collaborative approaches, such as IEP facilitation and mediation, can mitigate the use of more adversarial dispute resolution processes and may foster better educator-family relationships and result in more satisfying agreements. Early dispute resolution options are generally more cost effective and more expedient than other processes.
- 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, stakeholder councils, and other innovative approaches.
- IEP Facilitation is a widely used alternative to formal dispute resolution options. The majority of states and entities offer IEP Facilitation or are exploring its use.

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