



Highlights of [GAO-03-897](#), a report to the Ranking Minority Member, Committee on Health, Education, Labor and Pensions, U.S. Senate

Why GAO Did This Study

In the 2001-02 school year, about 6.5 million children aged 3 through 21 received special education services under the Individuals with Disabilities Education Act (IDEA). On occasion, parents and schools disagree about what kinds of special services, if any, are needed for children and how they should be provided. Conflicts between school officials and families sometimes become costly, both financially and in terms of the harm done to relationships.

As requested, GAO determined the kinds of issues that result in formal disputes, the extent to which the three formal mechanisms (due process hearings, mediations, and state complaints) are employed for resolution, the role of mediation and other alternative dispute resolution strategies in selected locations, and whether local education agencies received adequate and timely complaint notifications from states. To address these objectives, GAO reviewed available national data and conducted site visits to state and local education agencies in four states—California, Massachusetts, Ohio, and Texas.

www.gao.gov/cgi-bin/getrpt?GAO-03-897.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Marnie Shaul at (202) 512-7215 or shaulm@gao.gov.

SPECIAL EDUCATION

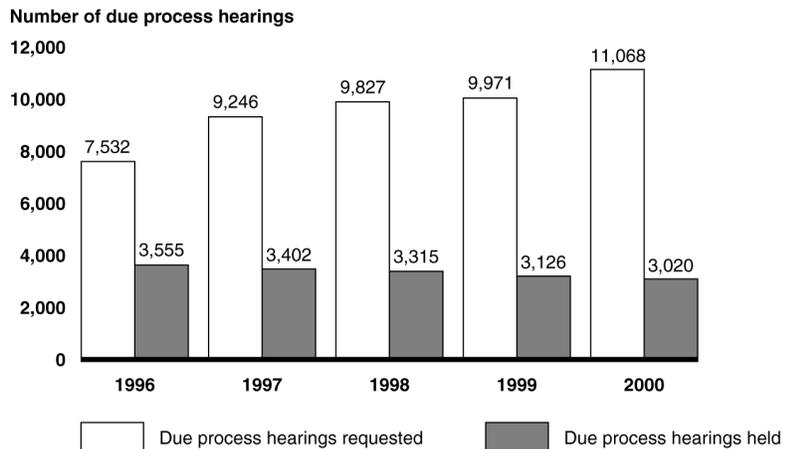
Numbers of Formal Disputes Are Generally Low and States Are Using Mediation and Other Strategies to Resolve Conflicts

What GAO Found

Officials in four states told GAO that disagreements usually arose between parents and school districts over fundamental issues of identifying students' need for special education, developing and implementing their individualized education programs, and determining the appropriate education setting.

While national data on disputes are limited and inexact, the available information showed that formal dispute resolution activity, as measured by the number of due process hearings, state complaints, and mediations, was generally low. According to the National Association of State Directors of Special Education, while requests for hearings increased from 7,532 to 11,068 over a 5-year period, the number of due process hearings held decreased from 3,555 to 3,020; much of the 5-year decline occurred in New York. Additionally, most due process hearings were concentrated in five states—California, Maryland, New Jersey, New York, and Pennsylvania—and the District of Columbia.

Numbers of Due Process Hearings Requested and Held Nationwide from 1996 through 2000



Source: Eileen Ahearn, *Due Process Hearings: 2001 Update* (Project Forum, NASDSE), April 2002.

Overall, dispute resolution activity was generally low relative to the number of students with disabilities. About 5 due process hearings were held per 10,000 students with disabilities. National studies also reported no more than an estimated 7 mediations per 10,000 students and about 10 state complaints per 10,000 students.

States GAO visited emphasized mediation in resolving disputes and made it more available than federal law required. Some locations had developed additional strategies for early resolution of disagreements between parents and school districts. Finally, school district officials in the four states said they had few problems with state complaint notifications, and problems encountered had little impact on the timeliness of the complaint process: state and local education officials appeared to be working together to overcome them.