

GAO Highlights

Highlights of [GAO-14-390](#), a report to the Chairman, Committee on Education and the Workforce, House of Representatives

Why GAO Did This Study

States receiving IDEA funds must ensure that a free appropriate public education is made available to all children with disabilities, and IDEA has long incorporated formal methods to resolve disputes between parents and school districts. The 2004 reauthorization of IDEA expanded the availability of alternative dispute resolution by broadening the use of voluntary mediation and requiring resolution meetings prior to due process hearings. GAO was asked to examine the use of dispute resolution methods since 2004. In this report GAO (1) examines recent trends in dispute resolution methods, (2) reports stakeholders' views on alternative methods, and (3) assesses Education's related performance measures for states. GAO analyzed federal dispute resolution data from 2004 to 2012, conducted a national survey, compared Education's performance measures to leading practices, and interviewed Education officials and stakeholders selected for their knowledge of dispute resolution.

What GAO Recommends

GAO recommends that Education improve measures for overseeing states' dispute resolution performance, including more transparent data on due process hearing decisions and comparable parental involvement data. Education neither agreed nor disagreed with the recommendations and proposed alternative actions. GAO does not believe these proposals will address the weaknesses in Education's performance measures and continues to believe the recommendations remain valid.

View [GAO-14-390](#). For more information, contact Jacqueline M. Nowicki at (617) 788-0580 or nowickij@gao.gov.

August 2014

SPECIAL EDUCATION

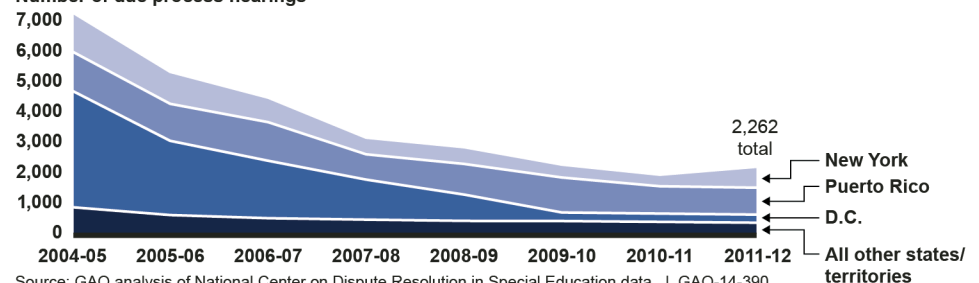
Improved Performance Measures Could Enhance Oversight of Dispute Resolution

What GAO Found

From 2004 through 2012, the number of due process hearings—a formal dispute resolution method and a key indicator of serious disputes between parents and school districts under the Individuals with Disabilities Education Act (IDEA)—substantially decreased nationwide as a result of steep declines in New York, Puerto Rico, and the District of Columbia. Officials in these locations largely attributed these declines to greater use of mediation and resolution meetings—methods that IDEA requires states to implement. Despite the declines, officials in these locations said that higher rates of hearings persisted because of disputes over private school placements or special education services. GAO did not find noteworthy trends in the use of other IDEA dispute resolution methods, including state complaints, mediation, and resolution meetings. States and territories reported on GAO's survey that they used mediation, resolution meetings, and other methods they voluntarily implemented to facilitate early resolution of disputes and to avoid potentially adversarial due process hearings.

Due Process Hearings in New York, Puerto Rico, the District of Columbia, and Other States and Territories, 2004-2012

Number of due process hearings



Source: GAO analysis of National Center on Dispute Resolution in Special Education data. | GAO-14-390

States, territories, and other stakeholders generally reported on GAO's survey or in interviews that alternative methods are important to resolving disputes earlier. Some stakeholders cited the potential of these methods to improve communication and trust between parents and educators. Some state officials said that a lack of public awareness about the methods they have voluntarily implemented was a challenge to expanding their use, but they were addressing this with various kinds of outreach, such as disseminating information through parent organizations.

The Department of Education (Education) uses several measures to assess states' performance on dispute resolution but lacks complete information on timeliness and comparable data on parental involvement. Education requires all states to report the number of due process hearing decisions that were made within 45 days or were extended; however, it does not direct states to report the total amount of time that extensions add to due process hearing decisions. Similarly, Education collects data from states on parental involvement—a key to dispute prevention—but does not require consistent collection and reporting, so the data are not comparable nationwide. Leading performance measurement practices state that successful performance measures should be clearly stated and provide unambiguous information. Without more transparent timeliness data and comparable parental involvement data, Education cannot effectively target its oversight of states' dispute resolution activities.