



GAO Report: Special Education IDEA Resolution Dispute Activity in Selected States Varied Based on School Districts' Characteristics

Background: The *Individuals with Disabilities Education Act* (IDEA) requires school districts to ensure that a free and appropriate public education (FAPE) is available to students with disabilities. IDEA provides several ways for schools and parents to resolve disputes concerning how to meet the child's educational needs:

1. *Formal Due Process Hearing:* The parents can request a formal due process hearing where an impartial hearing officer, similar to a judge, hears testimony, receives evidence, and decides what services a child will receive.
2. *Mediation:* Either the school or the parents can ask for mediation through the State Education Agency (SEA), which frequently happens after a due process complaint has been filed.
3. *Written State Complaint:* Any individual can file a complaint with an SEA alleging that a school has violated IDEA and failed to provide a free and appropriate public education for a child with a disability.

Chairman Bobby Scott (VA-03), House Committee on Education and Labor, and Ranking Member Patty Murray (D-WA), Senate Committee on Health, Education, Labor, and Pensions, asked the Government Accountability Office (GAO) to investigate the impact of poverty, race, and other factors on the use of dispute resolution.

Findings: The GAO [report](#) – which looked at the past 10 years of data from across five states – found that parents of low-income students and Black and Hispanic students are far less likely to access their legal rights than parents of white students and wealthy students.

- Families in high-income districts used one of the three methods for resolving disputes more frequently than those in low-income school districts. For example, 56.7 percent of very high income districts had at least one due process complaint while only 12.5 percent of very low-income districts had at least one due process complaint.
- Districts serving a higher percentage of Black and Hispanic students were generally the least likely to be involved in any dispute resolution activity. For example, 21.7 percent of very low-minority districts had at least one mediation request while 13.2 percent of very high-minority districts had at least one mediation request.

Mediation is Encouraged to Resolve Disputes

The Department of Education has encouraged the use of mediation as a less adversarial and more cost-effective way to resolve disputes. While mediation requests have increased, GAO found inequities in access to mediation:

- In 2017-18, 392 mediation requests were filed in very high-income districts while only 121 mediation requests were filed in very low-income districts.
- Additionally, 898 mediation requests were filed in very low-minority districts while only 161 mediation requests were filed in very high-minority districts.

Declining Rates of “Fully Adjudicated” Disputes

The report found that disputes in all categories decreased by about 2 percent nationwide, and there has been a sharp decrease in fully adjudicated due process complaints across the years of data collection.

- A decade ago, 35 percent of due process complaints were decided by a hearing officer and considered “fully adjudicated.”
- In 2016-17, only 11 percent of due process complaints were fully adjudicated.

Challenges to Parents’ Use of Dispute Resolution

Stakeholders who were interviewed identified key challenges that parents face when using any of the IDEA dispute resolution options, including:

- Difficulty finding a resolution in a due process hearing without adequate legal representation;
- Inability of parents to take time off from work to engage in dispute resolution activities;
- Fear of retaliation by school districts against parents that may include denial of services, alerting of immigration authorities, or the involvement of child protective services; and/or
- A lack of understanding their rights to access the IDEA dispute resolution process.