



# fast fives

## Five Ways to Effectively Use Dispute Resolution Data in State General Supervision Systems to Improve Implementation of IDEA



**The Individuals with Disabilities Education Act (IDEA)** provides multiple procedural options to resolve disputes that may arise between parents/guardians and schools/local educational agencies (LEAs) and possible violations of the law. These options are (a) mediation, (b) state complaints, and (c) due process hearing requests. These three processes provide formal ways to resolve conflict and are referred to as a state's dispute resolution system. State dispute resolution systems provide a wealth of important information to state educational agencies (SEAs) about local implementation of the IDEA. States can analyze these data to better understand the challenges experienced by parents and guardians as well as local school systems, thus informing continuous improvement efforts. Below are five strategies for effectively using the data generated by a state's dispute resolution system to improve its implementation of the IDEA, the health of its general supervision system, and LEA practices.

### 1. To inform state monitoring and support activities

Data from a state's dispute resolution system, used in a proactive way, can inform monitoring and support activities within its overall general supervision system. Dispute resolution systems surface gaps, needs, or issues at the local level that warrant further attention, either via monitoring or technical assistance (TA) to LEAs (or both). For example, if a state complaint is filed about a particular issue in more than one school within an LEA, it would be best practice for the state to explore the area further. Is it a gap in understanding at the local level? Would there be value in the state providing TA to the LEA around the issue? The state may also want to examine other records to understand if the issue is systemic. Further, states can identify issues or gaps that emerge from the dispute resolution system and provide TA broadly to *all* LEAs across the state and/or incorporate those problem areas into the state's LEA monitoring protocols.

Therefore, it is important that state teams focused on developing TA include the dispute resolution coordinator so they can surface issues identified in state complaints, due process hearings, and mediation requests that suggest a need for more support to the field.

#### Reflection Questions:

- Are your state dispute resolution staff at the table when you discuss monitoring and TA? Having dispute resolution staff at the table promotes a cohesive and integrated general supervision system.
- To what extent are dispute resolution data considered as part of your state's monitoring activities (e.g., included in a risk assessment to identify LEAs for monitoring and/or the focus of monitoring activities, reviewed with LEAs as part of the monitoring process, etc.)?
- In what ways do dispute resolution data inform decisions about state-offered or state-supported guidance, TA, or professional development?



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## 2. To identify improvements to the state's dispute resolution system

By examining the state's dispute resolution system and data, the state can check the health of its overall system and assess whether adjustment should be made. For example, a state may have found a decrease in its dispute resolution data during the height of the pandemic that could have been attributable to effects of the pandemic and the logistical problems created by prohibitions on face-to-face meetings. As the dispute resolution data increase or level off postpandemic, a state may use the data to better understand and track the impact of COVID on IDEA implementation in its LEAs.

The state can also use the data to understand which dispute resolution option parents choose when they have a dispute. For example, do parents tend to file due process hearing requests over the less adversarial options of state complaints or mediation? Are you seeing more due process requests in particular LEAs? This can shed light on how you may be able to promote all available dispute resolution options in the state.

Another example of system improvement is the modernization of a state's dispute resolution system. In OSEP's 2020 [Dispute Resolution in COVID-19 Environment Q&A Documents](#), OSEP stated:

*"Where the circumstances related to the pandemic prevent the parent or district representative from attending the resolution meeting in person, it would be appropriate for the public agency to offer to use alternative means, such as video conferences or conference calls, subject to the parent's agreement, consistent with 34 C.F.R. § 300.328. Resolution meetings related to expedited due process complaints involving discipline may also be conducted through video conferences or conference calls, subject to the parent's agreement."*

It is important to conduct a systems health check to see if the state's dispute resolution processes can support parent rights through virtual means.

### Reflection Questions:

- As many aspects of daily life are increasingly taking place virtually, how can your dispute resolution system be updated to meet the needs of the community?
- How can dispute resolution data reveal needs or challenges experienced in the field during unprecedented times (e.g., a pandemic, a natural disaster) and inform the state's response?
- How can the state model continuous learning and innovation with respect to its dispute resolution system?
- Is mediation underutilized in the state? If yes, how can the state promote mediation more effectively?



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### 3. To highlight equity issues within the state's dispute resolution system

A state's dispute resolution system can be used to highlight issues related to equity. Does the state have LEAs that have a significant number of mediation requests, state complaints, or due process hearing requests and other LEAs with extremely low or no requests for the dispute resolution options? By looking deeper into the data, a state can begin to examine why certain LEAs have particularly high or low data. The LEA with low or no data may have several disputes, but the parents may not know where

or how to exercise their rights under the IDEA. In these LEAs, the question becomes whether parents have access to their rights. Is the procedural safeguards notice in understandable language or translated into the parents' native language? Does the parent training and information (PTI) center in the state support the particular LEA or region? Are there parents from the community on the state's advisory panel? By examining why certain LEAs have low dispute resolution data, a state can understand whether the current system is meeting the needs of the community. An LEA with high data may have an active bar of attorneys, have affluent parents, or put a greater emphasis on creating a collaborative culture.

Data always tell a story. The question is *what* story the data are telling within the state and what does that story reveal about possible inequities?

#### Reflection Questions:

- When you look across your LEAs, do you see specific LEAs with low or no dispute resolution data? What is the root cause of these low or no data?
- When you look across your LEAs, do you see specific LEAs with high dispute resolution data? What is the root cause of these high data?
- What patterns or trends exist in your dispute resolution data regarding the characteristics of parents/guardians using the system? (Consider race, ethnicity, socioeconomic status, etc.)

### 4. To support improvements at the local level, including identifying and elevating local best practices

Sharing issues and conclusions from dispute resolution (state complaints and due process hearings) decisions with LEAs and PTI centers is a proactive way for states to encourage system improvement at the local level. By sharing this information with all LEAs, administrators at the local level can examine their procedures with regard to the issue and adjust accordingly. Providing this information to the PTIs can better help them prepare, educate, and support parents as well as encourage

system improvement activities. Some examples of how this information could be disseminated to the PTI and LEAs are (a) adding summaries of decisions to a state broadcast that is already sent to the LEA, (b) providing the redacted decisions to the LEAs and PTI centers, or (c) including the information in state-offered TA or professional development opportunities.

States can also share best practices that LEAs are utilizing regarding dispute resolution. Is an LEA particularly apt at encouraging relationship building when a dispute has come to the surface? Is there a particular LEA in your state that uses mediation well or is successful with conducting resolution sessions? Dissemination of LEA best practices

can be done through state websites, newsletters, or conferences. By highlighting best practices, states can elevate the procedures of LEAs and encourage others to adopt them.

#### Reflection Questions:

- Does the state currently share information from dispute resolution decisions with all LEAs and the PTI center? If not, how could the state provide this information to the LEAs and PTI center?
- Are LEAs encouraged to use dispute resolution decisions as a self-assessment of their programs?
- What LEA best practices could be replicated throughout the state? How can the state promote these practices?



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## 5. To improve communication with parents

The IDEA requires that parents be provided with an explanation of various procedures in the state's procedural safeguards notice. A complete explanation of the state's dispute resolution system is among the information required to be provided to parents in the procedural safeguards notice. The state's procedural safeguards notice and accompanying information are important factors when thinking about improving parent communication and conducting a health check on the dispute resolution system. While a state's procedural safeguards illustrate the dispute resolution options, they may not be communicated in a parent-friendly manner. The state may want

to work with its federally funded PTI center to create parent-friendly tools to accompany the procedural safeguards notice or collaboratively train LEA staff on the contents in the procedural safeguard notice.

Further, the dispute resolution options used within the state can illuminate how well parents understand their rights and feel like valued decision-makers in their child's educational experience. For example, reviewing data from the State Performance Plan/Annual Performance Report (SPP/APR) for Indicator 15 (the percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements) and Indicator 16 (the percent of mediations held that resulted in mediation agreements) can illustrate the health or lack thereof of a program's communication with the parents. Unlike other indicators, these two indicators, while outside the direct sphere of influence of the SEA, illustrate whether a school and parent can come to a collaborative resolution after a dispute.

### Reflection Questions:

- Can the state improve its partnership with the PTI center within the state to build understanding of procedural safeguards and the willingness and capacity of parents to exercise them?
- Are there ways to make the state's procedural safeguard notice more accessible to parents?
- How can the state use data from SPP/APR Indicators 15 and 16 to improve relationships between the schools and parents? Do trend data support that certain LEAs are waving the resolution period or never participating in mediation?

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