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Rowan University

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**SPECIAL EDUCATION DUE PROCESS:
AN ANALYSIS OF DECISIONS IN NEW JERSEY
FROM JULY 2005 - JUNE 2012**

by

Renee A. Davis

A Dissertation

Submitted to the
Department of Educational Services and Leadership
College of Education

In partial fulfillment of the requirement

For the degree of
Doctor of Education

at

Rowan University
December 14, 2021

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Dedications

I dedicate this dissertation to my support system. First, I give honor to God. You are my strength. You were the driving force that saw me through every major accomplishment in life, including completing this project. I also dedicate my dissertation to my family and dear friends. Your words of encouragement, prayers, and sacrifices saw me through the many hours and years it took to complete this project. Thank you! Last, I dedicate this dissertation to my kids: Katriece, Zaniel, Corey, and Shawn. You can accomplish anything in life. Allow God to order your steps as you shape and pursue your endeavors.

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First and foremost, thank you, God! I have an amazing support system, and it starts with you! You stepped in during this season of my life especially when I lacked strength and focus and wanted to give up. When I couldn't find the words, you provided them. As I reflect on hurdles faced and goals accomplished, I can truly say you carried me through. My life is not my own, and neither is this accomplishment. Please continue to order my steps according to your perfect will. Proverbs 3:5-6.

Javal, my husband, you were there from the beginning, which means the world to me. Your sacrifices were not in vain! I thank you, and the boys, for cheering me on. I did not give up because of your prayers, love and encouragement. I won't forget the space (literally and emotionally) you made so I could pursue this endeavor. My name is on the work, but I stood on your shoulders to accomplish it. I love you!

I am blessed to have many dear friends whose love, prayers, and encouragement also saw me through this process. Dana, Kourtnie, and Ro: although done separately, each of you encouraged, motivated, and pushed me in similar ways! Crystal, I love you like a sister. Thank you for your unyielding support and prayers. And I cannot thank you enough for allowing me to hide at your house when I needed a quiet space to study.

Last but certainly not least, I want to thank my parents and family. Mom and dad, thank you for the foundation that continues to support me throughout my life. This degree belongs to you because of your love and sacrifices. I am here because of the blood, sweat, and tears of my parents, grandparents, and those who came before them. My degree is our accomplishment; therefore, this is our doctorate! - Amen

Abstract

Renee A. Davis
SPECIAL EDUCATION DUE PROCESS: AN ANALYSIS OF DECISIONS IN NEW
JERSEY FROM JULY 2005 - JUNE 2012
2021-2022
MaryBeth Walpole, Ph.D.
Doctor of Education

With every reauthorization of the Individuals with Disabilities Education Act (IDEA) since its inception in 1975, parents and school districts have been encouraged to mediate differences through non-legal means, whenever possible. This study assessed Special Education due process in the State of New Jersey between July 2005 and June 2012. The goal was to identify common patterns that led to due process and assess how former litigants described their experiences and feelings about due process.

I used a qualitative case study approach to collect and analyze data. First, I conducted a document analysis of 187 due process case results. I also analyzed survey results from litigants who were involved in special education due process.

My research revealed four common patterns: parents initiated due process at a disproportionately higher rate than school districts; due process complaints were primarily associated with disputes over placement and program; school districts prevailed in most due process cases; and parents fared better when an attorney or advocate represented them in due process proceedings. Results from this study could help New Jersey school districts and parents improve on special education practice, support social justice reform and help guide the next reauthorization of IDEA.

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Chapter 1

Introduction

Despite changes in federal law, local education agencies (LEA) and parents of students with special needs constantly find themselves in litigation over services for students (Newcomer & Zirkel, 1999). The Individuals with Disabilities Education Act (IDEA) was reauthorized in November 2004 (Zirkel, 2009). IDEA maintains that parents should work collaboratively with their school districts in planning for their children's educational needs. Legal cases stem from disagreements over services for classified students, or potentially eligible students, based on different interpretations of IDEA. According to Lake and Billingsley (2000), conflicts arose when people believed their values and resources were hindered by incompatible differences. Although IDEA requires schools and parents to share in educational decision-making, ambiguous tenets of this federal code often lead to litigation (Fish, 2008).

Statement of the Problem

Disagreements between parents and the local education agency (LEA) usually stem from a dispute about whether a student is eligible under IDEA or over direct, special education services (Zirkel & Gischlar, 2008). Either party might find little value in mediating their differences if a resolution in their favor is not foreseeable. However, according to Zirkel (2007), LEAs and parents are better off resolving special education-related disputes through open communication and mutual respect. Current research relevant to special education-related legal disputes and outcomes should be available to

parents, school districts, and lawmakers to help underscore the need and benefit of exhausting all means of dispute resolution before due process, as dictated by IDEA.

IDEA is a federal law. The New Jersey Administrative Code (NJAC) 6A:14 was developed based on the tenets of IDEA. The NJAC 6A:14 offers New Jersey public schools that receive federal IDEA funds guidance on all aspects of special education, including identification, classification, programming, services, and dispute resolution. Under NJAC 6A:14, when school officials and parents in New Jersey cannot resolve their differences through mediation, cases are referred to the Office of Special Education Programs (OSEP) for due process consideration. A due process hearing is a formal hearing where litigants present evidence to an Administrative Law Judge (ALJ) about a reported IDEA violation (Yell et al., 2009).

In many cases, litigation can be laborious, expensive, and damage the parent-school district relationship (Bar-Lev et al., 2002). According to Getty and Summy (2004), trust can diminish, and anger can arise from a parent towards the LEA during and after litigation. Negative feelings might stem from grievances related to the time and cost of litigation and feelings that their child's rights were violated. IDEA first advocates for non-adversarial, informal means of dispute resolution, such as a resolution session or mediation (NJAC 6A:14, 2008).

According to Rock and Bateman (2009), IDEA has ambiguous components, leading to questions and conflicts between educators and parents. In New Jersey, when a parent and school district cannot resolve their differences, they may utilize informal dispute resolution (e.g., mediation) or a formal means of dispute resolution, due process.

Based on an analysis of each reauthorization of IDEA since 1975, parents and school districts have been asked to work more collaboratively on developing Individualized Education Programs (IEP) for students (Smith, 2005). Educators who encourage reciprocal relationships with parents (and students) and possess good communication skills are usually better able to problem-solve and negotiate differences (Lake & Billingsley, 2000).

Purpose of the Study

This study aimed to examine special education due process outcomes in New Jersey between July 2005 and June 2012 to determine patterns in adjudicated cases. The study also examined the experience of due process from the perspective of former New Jersey litigants, considering the same timeframe. According to Mueller (2009), the letter and spirit of the law, relevant to IDEA, demand that families and school districts foster an educational team relationship relevant to goal setting for students with special needs. Educators and parents could use the results of my research to help make more informed decisions prior to engaging in due process proceedings.

IDEA has historically called for school districts and parents to collaborate when developing student IEPs. According to Lake and Billingsley (2000), different opinions among these parties inevitably arise based on different interpretations of special education law. Since the inception of IDEA, several studies have focused on special education due process outcomes. However, based on the literature I reviewed, I did not uncover published data about due process outcomes solely focused on New Jersey data since the last reauthorization of IDEA. The analysis surrounding this study was designed

to offer New Jersey parents and school personnel another means of information to help inform amicable IEP decision-making.

Context

Since 1975, the federal rights of parents and students under IDEA have expanded. According to Yell et al. (2009), one of the most fundamental rights offered to parents is the opportunity to be more meaningfully involved in the special education decision-making process. By IDEA standards, a parent should work collaboratively with school personnel to develop an IEP for a student with special needs. However, conflicts could surface if differences arise between parents and school districts about special education matters (Lake & Billingsley, 2000). According to Zirkel (2007), parties agree to the benefits of mediation; however, special education litigation and legal activities have increased significantly within the last 30 years.

According to Mueller (2009), more than ninety million dollars is spent on special education conflict resolution in the United States each year. More than 37,000 due process cases were adjudicated in the United States between 1991 and 2005 (Zirkel & Gischlar, 2008). This study proposed to effect change by educating parents and LEA personnel about disputes that led to litigation to avoid similar pitfalls. The time and expense placed on litigating due process cases would be better spent creating or expanding programs and services for students with special needs.

New Jersey is considered a litigious zone (Zirkel & Gischlar, 2008). According to Brett et al. (1990, p.436-437), conflicts stem from “differing perceptions of the present and the future; the resolution of disputes is a major factor driving incremental change in a

relationship.” Disputes between LEAs and parents have been an unfortunate and often costly reality of special education (Reiman et al., 2007 p.1). In a study conducted by Zirkel and Gischlar (2008), New Jersey had the second-highest ranking of adjudicated due process hearings (over 4,000 cases) across the 50 States from 1991-2005. In the United Kingdom (UK), the government urges parents and school districts away from legal proceedings because they are expensive, lengthy, and stressful (Riddell et al., 2010). Ongoing research about due process litigation could help educators, parents, and others associated with special education better understand successful and detrimental practices in planning for the needs of classified students.

With this study, my goal was to examine the process of Special Education due process in the State of New Jersey. The study assessed what issues led to due process and hearing outcomes since the last federal reauthorization of IDEA in November 2004. Additionally, this study assessed due process from the perspective of the parent and the LEA.

My findings could inform future special education policy analysis and planning, and guide the next reauthorization of IDEA. According to Zirkel (2007), parents and school district personnel understand the importance of seeking informal means (non-legal mechanisms) of resolving matters, and this research proposed to provide data that will highlight the benefits of resolving disputes without litigation.

Research Questions

The following research questions guided my study:

1. What are the common patterns within adjudicated special education cases between 2005 and 2012?
2. How do parents and special education administrators describe due process and how it can be improved?
3. How can leaders work with parents more effectively to benefit students?_

Leadership

Working with classified students and their families has been very rewarding for me over the last twenty years. However, as a special education administrator, I have witnessed flaws and potential social justice inequities that led me to explore this research project. I have witnessed the emotional and financial devastation that results from legal disputes between parents and school personnel when they cannot agree on programming or services for classified students. I have also seen outcomes of due process that favored parties predicated more on their financial means and influence than the case's merits. Leaders speak most clearly with their actions (Reeves, 2007). I decided to use my voice to pursue research that might uncover obstacles New Jersey families and districts face in planning for the educational needs of classified students.

“Sometimes negotiations fail because the parties’ perceptions of who is right or who is more powerful are so different that they cannot establish a range in which to negotiate.” (Brett et al., 1990, p.442). Parents and school personnel must find ways to improve past practices that have led us away from non-legal means of resolving

problems. Information gleaned from the results of this study could alert parents and school personnel to common pitfalls that lead to litigation. Additionally, by highlighting common threads that lead to litigation, data from this research could assist lawmakers with essential factors to consider as they plan for the next reauthorization of IDEA.

According to Heifetz and Linsky (2002), both technical and adaptive challenges cause disturbances; however, because of the skills and expertise of personnel, organizations quickly recover from technical challenges. Adaptive challenges are associated with learning new skills and adopting new values, attitudes, and behaviors (Heifetz & Linsky, 2002). Goleman et al. (2002) said, “leaders who wish to instill widespread change need to first recognize that they are working against a paradox: organizations thrive on routine and the status quo” (p.225).

As previously mentioned, New Jersey ranks high relative to special education litigation (Zirkel & Gischlar, 2008). Leaders must recognize that people are not resistant to the change per se; they are usually resistant to the loss that change represents to them (Heifetz & Linsky, 2002). By way of this study, I wanted to educate parents and school districts about the need to pursue alternate means of dispute resolution, a change in the “status quo” that could foster better outcomes for students and the parent-school relationship.

Good leadership requires self-examination, perseverance, and courage (Heifetz & Linsky, 2002). I approach leadership primarily from a transformational leadership perspective, which means I firmly believe educational leaders, school personnel, and parents should share similar beliefs and values relevant to student outcomes if the goal is

to improve collaborative practices between parties. “You appear dangerous to people if you question their values, beliefs, or habits” (Heifetz & Linsky, 2002, p. 12). A person’s values define his or her standards, principles, and worth. As leaders, values guide our responses to complex situations. According to Burns (2003), leadership is strengthened by values as they help to sustain and empower teams during complex and difficult times. Leaders need to find ways to encourage collaborative decision-making practices to make timely and cost-effective educational decisions on behalf of classified students.

“Leadership is made easy when one’s organization only faces problems for which they already know the solution” (Heifetz & Linsky, 2002, p.13). Parents and school districts have been litigating special education disputes since the mid-1970s when IDEA was first passed (Zirkel, 2007). Fragmentation exists between educators and parents of children with disabilities (Kennedy, 2007). “With change, conflict is inevitable; the challenge lies in using negotiation to reconcile interests” (Brett et al., 1990, p.441). Educational leaders do not have all of the answers to our social issues; however, we should stand as firm advocates for the students, staff, and communities we serve.

Policy issues and a call for action emerge from attention placed on public problems that affect many people (Anderson, 2011). This study proposed to bridge the gap that exists in the parent-school relationship. Pertinent to leadership, the goal of this study was to help reveal data that could assist districts and families in working more collaboratively, as dictated by IDEA. From this study, patterns relevant to due process litigation could guide changes to IDEA. Results of this study might support the need for a database that exclusively houses information on Special Education Due Process as a

reference for potential litigants. Data from this study could also help guide the next reauthorization of IDEA and NJAC 6:A14..

Rationale for the Study

IDEA calls for parents and schools to work collaboratively for the best interest of students with special needs. When these partnerships are successful, IEP teams annually invest resources and energy in the design and implementation of a free and appropriate public education (FAPE) for students in the least restrictive environment (LRE) (Newcomer & Zirkel, 1999). Lake and Billingsley (2000) encouraged educators and parents to create dialogue that integrates students' interests, which offers IEP participants the opportunity to voice their perspective and views about the child as a whole person, strengthening the parent-school partnership the IEP planning process. According to Rock and Bateman (2009), when parents feel excluded from meaningfully participating in the development of the IEP and other aspects of programming for their child, they could feel their only recourse for relief is due process.

According to Katsiyannis and Herbst (2004), special education is the most litigated area of education, likely due to inadequate understanding and interpretation of IDEA. Increased knowledge relevant to due process complaints, outcomes, and feedback about litigants' personal experiences with due process might help decrease the occurrence of cases in New Jersey. Regularly viewing due process opinions is a valuable tool (Rock & Bateman, 2009). To improve informal and formal conflicts between parents and LEAs, feedback from both parties is pivotal (Schrag & Schrag, 2004).

According to Rock and Bateman (2009), many educators regularly review special education due process cases to stay abreast of their legal obligations. Practitioners need to review due process decisions to help improve educational practices in the best interest of students (Rock & Bateman, 2009). Steps towards improving the knowledge of school personnel and parents about the benefits of pursuing informal means of special education dispute resolution might serve to decrease due process cases.

Significance of the Study

IDEA has consistently called for school districts and parents to collaborate when developing student IEPs. According to Lake and Billingsley (2000), different opinions among these parties are inevitable due to different interpretations of the special education code. Since the inception of IDEA, several research studies have focused on special education due process outcomes. My review of the literature did not reveal any studies that specifically assessed adjudicated special education due process in New Jersey since IDEA was reauthorized in 2004.

Although the first of its kind in New Jersey since IDEA was reauthorized in 2004, this study follows similar studies about special education due process. Newcomer and Zirkel (1999) analyzed 414 due process cases between 1975 and 1995. In 1999, The National Association of State Directors of Special Education (NASDSE) summarized the number of due process hearings requested and held in the United States from 1996 to 1998. Lastly, Zirkel and Gischlar (2008) conducted a longitudinal frequency study of due process hearings in the United States. Their study assessed adjudicated due process cases in all 50 states, excluding the District of Columbia (DC), from 1991 to 2005.

IDEA helps ensure classified students receive a free and appropriate education (Mueller, 2009). Rock and Bateman (2009) said a lack of knowledge of federal law contributes to legal disputes. My research examined qualitative data that spoke to issues that led to due process in New Jersey. I also obtained feedback that could help mitigate special education disputes to avoid litigation. Based on the research conducted for this study, I could not locate information relevant to an analysis of New Jersey due process hearings since the reauthorization of IDEA in 2004.

Scope of the Study and Methodology

I utilized a qualitative case study methodology for this study. I analyzed 187 special education due process cases adjudicated between July 2005 and June 2012. Two sources were used to obtain due process case information: the New Jersey Administrative Law Office (Rutgers Law) and the New Jersey Department of Education. Additionally, ten special education administrators and parents from New Jersey completed a survey that consisted of questions about their experience and opinions of due process. The document analysis and survey results were used to answer the research questions developed for this study.

Definition of Terms

- Adjudicated: when a written legal decision is rendered
- Classified student or special needs: refers to students who are eligible for special education and related services under IDEA and NJAC 6:A14
- Due process: a formal means of dispute resolution

- Free Appropriate Public Education (FAPE): educational entitlement of all students publicly educated in the United States
- Individuals with Disabilities Act (IDEA): Federal law extended to students with specific disabilities (and their families) to help ensure quality public education, emphasizing improvement of student performance
- Least Restrictive Environment (LRE): to the maximum extent possible, classified students are educated with general education peers
- Local Education Agency (LEA): the school district from which a student resides
- Mediation: an informal means of dispute resolution between a school district and the parents of a student with special needs. A trained facilitator works with parents and school personnel to help remedy special education-related conflicts.
- New Jersey Administrative Code (NJAC) 6A:14: Adopted from IDEA, Special Education guidance for New Jersey public schools receiving federal IDEA funds
- Petitioner: the person(s) initiating due process
- Prevailing party: the litigant who successfully presents a case and receives a favorable outcome
- Procedural safeguards: rules to help ensure districts and parents work collaboratively in planning for the educational needs of students who are classified
- Respondent: the defendant(s) in a due process case

- Stay put: the last placement agreed upon by parties

This chapter offered details on my research study's purpose, rationale, context, timeframe, and methodology. My research project aimed to examine special education due process outcomes in New Jersey with a new lens. The purpose was to identify possible common patterns and discuss ways to improve practice to avoid litigation. I chose the timeframe July 2005 to June 2012 to reflect data after the last reauthorization of IDEA, an assessment that has never been conducted exclusively using New Jersey data. Research methodology and educational leadership were also briefly discussed in this chapter. The next chapter summarizes the literature reviewed in support of this research project.

Chapter 2

Literature Review

This chapter provides an overview of the literature used to support my research on due process outcomes in New Jersey from 2005 to 2012. I offered readers a comprehensive assessment of IDEA since its inception more than 40 years ago. Additionally, I provided information about due process and its variation in several states. Readers will also find information about other studies that offer data about special education judicial outcomes. I also discussed the least restrictive environment (LRE) requirement and barriers to compliance. Finally, I debated literature and research I found pertinent to special education databases.

Thirty Years of Changing Law

The first federal special education law, Public Law 94-142, (the Education for All Handicapped Children Act), was passed in 1975. According to Smith (2005), “prior to its passage, Congress found that up to one million of the estimated eight million children with disabilities in the United States were excluded from public school services and another three million were being served inappropriately” (p.314). Under P.L. 94-142 all disabled students, and potentially disabled students, were entitled to a free appropriate public education (FAPE). In addition to several more critical requirements, every classified student must have an Individual Education Program (IEP) that outlines the annual services needed (including related services) in the educational setting.

P.L. 94-142 also addressed due process through procedural safeguards (National Council of Disability, 2005). “Children with disabilities, and their parents, were afforded certain due process rights, including the right of notice and consent before actions affecting their child and the right to a due process hearing to resolve complaints and disagreements between parents and the school” (Smith, 2005, p.315). P.L. 94-142 was renamed Individuals with Disabilities Education Act (IDEA) in 1990 and received minor amendments.

In June 1997, President Clinton signed IDEA 1997, P.L. 105-17. According to Mitchell and James (1997), this change to IDEA was a positive step in ensuring proper services and outcomes for students with disabilities at public expense. Two significant changes to IDEA (1997) that were important for this research emphasize parental involvement in decision making and resolving matters using non-adversarial means. IDEA 1997 strongly advocated for mediation as a means for parents and LEAs to settle disagreements to help avoid the often adversarial and expensive liabilities of due process proceedings. According to Newcomer and Zirkel (1999), special education litigation dramatically increased during the 1980s and 1990s.

The reauthorization of IDEA began in 2001; president G.W. Bush signed it into law in November 2004. The word improvement was added, making the new name: Individuals with Disabilities Improvement Act (IDEIA). The law is still referred to federally as IDEA (Smith, 2005); however, IDEA and IDEIA are interchangeable in New Jersey. Several changes were made when IDEA was reauthorized in 2004; the most significant change required special education teachers to meet the highly qualified mandate introduced in the No Child Left Behind (NCLB) legislation.

As with previous reauthorizations, the 2004 IDEA also included new requirements for due process. According to Smith (2005), parental refusal to consent for initial evaluations could lead an LEA to pursue due process, while the parental refusal of consent to special education placement may not. Additionally, IDEA 2004 enabled LEAs to recoup attorney's fees from parents in certain situations. "The fact that parents and their attorneys can be held accountable for these fees in situations where the courts think their actions are unwarranted may reduce the level of complaints" (Smith, 2005, p.317).

Due Process: A Procedural Safeguard

According to Rock and Bateman (2009), to help mitigate due process litigation, lawmakers made several changes to the due process requirements during the 2004 IDEA reauthorization process. According to Feinsburg et al. (2002), federal civil rights laws call for parents/guardians to be more involved in the educational planning process for their children, which led to the development of procedural safeguards. Procedural safeguards allow parents the opportunity to examine their child's records and the right to be involved in the decision-making process relevant to the development of an educational program (O'Halloran, 2008).

IDEA requires that parents (and students) become more actively involved in the special education decision-making process. Due process is available as a recourse when a disagreement arises between an LEA and a parent concerning a student's identification, evaluation, placement, or FAPE (Yell et al., 2009). However, increased interaction and mutual responsibility for decision-making have exacerbated conflicts (Nowell & Salem,

2007). Feinburg et al. (2002) suggest special education due process is a nationwide problem based on an increase in hearings from 4,079 in 1991 to 9,872 in 1998.

Since 1975, IDEA has increased expectations for parent and student involvement in special education planning. IDEA also includes procedural safeguards to help schools and families mitigate differences. Before IDEA, school districts made educational decisions for students with disabilities, and parents had no recourse if they disagreed with the school's proposals (Osborne, 1995).

Procedural safeguards under IDEA allow parents the right to actively participate in educational planning by requiring written notice to parents of any plan to initiate, refuse, or change a student's educational program; the right to attend IEP meetings; the right to dispute evaluations conducted by the school; the right to request independent evaluations; the refusal of services; and an avenue (due process) to dispute any recommendations or decisions made by the school (Osborne, 2005). Failure of a school district to comply with procedural safeguards may lead to a due process outcome in favor of the parent.

Disputes between parents and LEAs are handled in two significant ways: informally and formally. Framers of IDEA realized that requiring parents and schools to work collaboratively on educational decision-making could increase conflict. With this in mind, Congress created a dispute resolution process that allows parents to bring grievances to an impartial hearing officer and court if warranted (Osborne, 1995).

Due process is the most formal means of dispute resolution and should be the last resort to resolving conflicts or problems between LEAs and parents (Getty & Summy, 2004). Under IDEA, the LEA should offer a resolution session when a parent requests due process. This informal meeting process does not require legal representation or judicial involvement. The resolution session offers parties a platform to amicably resolve matters to avoid the need for due process. The Office of Special Education Programs (OSEP) will initiate a due process hearing if the parent or LEA refuses a resolution session. Litigants formally present evidence to a hearing officer at due process hearings (Feinburg et al., 2002). After considering the evidence, hearing officers are charged with using Federal and State law to render their decision about cases. Defeated litigants can pursue federal district and appellate courts to dispute due process outcomes (Feinburg et al., 2002).

There are two levels involved when considering due process: State and Federal. As previously noted, an LEA or parent may appeal to a higher court (federal district and appellate courts) to dispute a decision made on the State level (Feinburg et al., 2002). IDEA outlines federal law requirements; however, each state passed laws to adopt regulations, guidelines, and policies relating to due process procedures for students with disabilities (NASDSE, 1999). Also, within the United States and the District of Columbia, due process procedures are structured either on a single or a dual tiered level.

According to NASDES (1999), a one-tier system involves holding a hearing at the state level, while a two-tier system consists of having a hearing at the district level before State-level hearing officers or panels are involved. New Jersey uses a one-tier system. According to NASDSE (1999), more states are trending towards a one-tier system (e.g.,

Georgia, Illinois, Maryland, Missouri, and Wisconsin) because of delays in settlements caused by repetition necessitated by multiple levels.

Due Process in New Jersey

As previously discussed, IDEA is a federal law that protects individuals with disabilities. Public schools in New Jersey that received IDEA funding must use NJAC 6A:14 to govern their practices with disabled students; this includes due process. Federal law separates procedures for state complaints and due process complaints and hearings. In New Jersey, an LEA has 15 days to schedule a resolution session upon receipt of a parent's request for due process. A resolution session is considered a non-legal means of resolving disputes. Both parties could agree to use mediation instead of a resolution session. Mediation is more formal and involves State mediators. If desired, attorneys and advocates could be involved in mediation. If both parties agree, OSEP can convert complaints to a due process hearing without a resolution session or mediation (NJAC 6A:14, 2008). This process is the same in Connecticut, a one-tier system, and Pennsylvania, a two-tier system.

Parents are at a disadvantage in their knowledge of IDEA compared to school personnel (Fish, 2008). When a parent petitions for due process, an LEA must attempt to resolve matters by non-legal means. In contrast, a resolution session is not required when a district requests a due process hearing. In this circumstance, the case goes directly to OSEP, and OSEP recommends either mediation or due process. However, according to Zirkel and Gischlar (2008), to reduce due process cases, an amendment was added to the

last reauthorization of IDEA in 2004, requiring a resolution session as an informal means of dispute resolution before due process.

Federal law separates procedures for state complaints and due process complaints and hearings. Under the New Jersey Administrative Code 6A:14 (2008), if matters outlined in a parent's due process request are not resolved within 30 days, the OSEP has 15 days to forward the request to the Office of Administrative Law (OAL) for a due process hearing. A parent or LEA may waive a request for due process if the parties agree to mediation. When an agreement is reached at a resolution session, the results will be memorialized in writing and signed by both parties (NJAC 6A:14, 2008).

As previously stated, either a parent or an LEA can request a due process hearing. In New Jersey, the student will "stay put" in the last agreed-upon placement until outstanding matters are resolved (NJAC 6A:14, 2008). The same policy applies in Connecticut and Pennsylvania. A parent or an LEA has up to two years to file for due process from the date of the alleged complaint (NJAC 6A:14, 2008). Additionally, parties must formally disclose all evidence they intend to use in due process within five days of the start of the hearing (NJAC 6A:14, 2008). Due process cases in New Jersey are heard before an OAL Administrative Law Judge (ALJ). The ALJ must be a neutral party who possesses appropriate legal knowledge of IDEA and NJAC 6A;14. The ALJ has 45-days, unless unique circumstances are granted, to render a written decision to both parties.

Special Education Mediation

Mediation was formally introduced with the 1997 reauthorization of IDEA (Schrag & Schrag, 2004). According to Brett et al. (1990, p.440), “consultation, before disputes erupt, can minimize the occurrences of unnecessary disputes.” A less formal means of dispute resolution is mediation. Mediation has successfully resolved disagreements between parents and schools (Nowell & Salem, 2007). In mediation proceedings, a trained, impartial facilitator assists the LEA and parent in identifying and clarifying areas of disagreement to help parties generate and evaluate options for mutual agreement and resolution (Bar-Lev et al., 2002).

Mediation is encouraged on the federal and state levels, as it is less expensive, less time-consuming, and less adversarial than due process. “There are situations where due process is warranted; however, mediation is recognized as a positive alternative to resolving conflict” (Feinburg et al., 2002, p.5). However, Schrag and Scrag (2004) argue that mediation practices are sometimes viewed as not strategic, inappropriate, or not fully executed by both parties.

Ahearn (1994) attests that it is beneficial to emphasize dispute resolution over litigation. In New Jersey, mediation may be pursued relevant to disagreements over aspects of special education, including classification, placement, and programming (O’Halloran, 2008). Unlike due process, mediation is a voluntary process. IDEA (2004) advocates for mediation as it is considered a less intrusive means of dispute resolution. According to Kennedy (2007), a successful mediation means an agreement was developed and implemented. However, according to Padula (2008), to truly understand

the effectiveness of mediation, it is vital to assess the percentage of resolutions reached and quantitative feedback from parents and LEAs.

Least Restrictive Environment

IDEA requires schools to consider accommodations and modifications in the general education setting before restricting students to a special education environment (Marti et al., 1996). The least restrictive environment (LRE) is a local and federal requirement for school districts. Creators of LRE endeavor to educate disabled students in an environment similar to that of their non-disabled peers while meeting the needs of all students (Yocom, 2010). LEAs must consider the LRE when developing placements for students with special needs.

LRE placement disputes remain problematic as, according to Kolbe, McLaughlin, and Mason (2007), out of 60 jurisdictions, New Jersey ranked second relevant to the number of classified students educated out of district (OOD). Not only are 9% of students on average educated in separate facilities, but New Jersey also is ranked 54 out of 60 jurisdictions that educate their classified population separate from non-disabled students for more than 60% of the day (Kolbe et al., 2007).

Placements sought by parents and LEAs might not be the same, leading to litigation. Under local law (NJAC 6A:14) and federal law (IDEA), parents have the right to unilaterally place their child in an out-of-district (OOD) private school and seek reimbursement from an LEA for tuition and other educationally relevant fees if they feel the LEA has not provided an appropriate program for their child. Under the same laws,

school districts in New Jersey must seek the least restrictive environment by placing students classified in programs with their general education peers to the maximum extent appropriate. In 2005, fees associated with out-of-district (OOD) placements in New Jersey accounted for 39% of district expenditures, leading to roughly 10% of the special education population consuming approximately half of the budget (Kolbe et al., 2007).

According to Newcomer and Zirkel (1999), 41% of due process cases they analyzed (414 total cases) between 1975 and 1995 were parental LRE disputes. In those cases, parents were seeking OOD placements for their children. Although 96% of classified students in our country were educated in public schools in 2006, New Jersey ranked 5% less than the national average of these placements (Kolbe et al., 2007).

Placements in OOD schools contradict federal and judicial mandates for LEAs to include students with disabilities with non-disabled students to the greatest extent possible (O'Halloran, 2008). Additionally, nationwide, approximately 54% of classified students were educated in general education classrooms 80% of the day, and nearly 28% spent 21-60% of their day in general education; New Jersey students also fell short in both of these categories spending 8% less time in general education 80% of the day and 3% less time in general education 21-60% of the day (Kolbe et al., 2007).

Judicial Outcomes in Special Education

According to Newcomer and Zirkel (1999), legal means of handling disputes have increased in the last 30 years despite evidence and agreement amongst parties that informal means of resolving matters are best practice. A 1999 study conducted by the National Association of State Directors of Special Education (NASDSE) shows an

increase from 643 to 938 due process hearing requests from 1991 to 1998 in New Jersey. According to NASDSE (1999), within the 50 states, due process hearing requests from 1991-1998 increased from 4,079 to 9,827. In Connecticut, a one-tier system, due process hearing requests increased from 227 to 358; in Pennsylvania, a two-tier system, due process hearing requests increased from 264 to 722.

In 1999, Newcomer and Zirkel analyzed special education judicial case decisions from January 1975 to March 1995. These researchers noted a tenfold increase in special education decisions (totaling 613) from the 1970s to the 1990s (Newcomer and Zirkel, 1999). They concluded that the primary issue in 63% of cases was parents disputing student placements. According to Newcomer and Zirkel (1999), contrary to the prevailing perception that districts always win due process hearings and litigation, their study revealed that districts won 60% of administrative proceedings compared to 32% for parents. However, the study concluded that parents narrow the victory gap, likely due to carefully choosing which cases to litigate (Newcomer & Zirkel, 1999).

Zirkel and Gischlar (2008) conducted a longitudinal frequency analysis of IDEA due process using United States data. With the exclusion of D.C., the research included adjudicated cases from all 50 states. In 15 years, 37,069 were adjudicated. New York and New Jersey, respectively, had the highest totals and accounted for 56% of the total adjudicated cases for the 50 states (Zirkel & Gischlar, 2008). Compared with previous studies, Zirkel and Gischlar (2008) found a dramatic increase in cases from 1991-1997 and then an uneven plateau from 1997-2005 among the 50 states.

Aside from federal requirements, researchers have highlighted several benefits to settling disputes via non-legal means. According to Bar-Lev, Neustadt, and Peter (2002), most mediation cases were resolved within 20 to 30 days. According to Vitello (1990), because due process can be a much longer process than mediation, valuable instructional time may be wasted during a “stay put” phase as “stay put” refers to maintaining a child in the last mutually agreed upon placement until legal proceedings are finalized. Therefore, if it is determined that a change in placement is warranted after a case is fully litigated, the child would have wasted valuable time in a program that is not meeting his or her needs. According to Zirkel (2007), it is advantageous to settle disputes through open communication and mutual respect; however, knowing that various legal mechanisms are available may help both parents and districts resolve matters through the preferable informal route.

Special Education Databases

Over the last 40 years, IDEA has called for parents to become more meaningfully involved in the special education process. However, according to Lake and Billingsley (2000), parents question their ability to appropriately advocate for their children due to a limited knowledge base of special education content matters. School officials often complain about parents’ lack of participation in pertinent aspects of their child’s educational planning; however, Rock and Bateman (2009) questioned whether some families have adequate knowledge and legal or educational resources to be active participants.

According to NASDSE (1999), to help states become more compliant with IDEA requirements, it is anticipated that more and more states will adopt computerized (Internet-based) systems that house due process procedures and outcomes. Internet-based due process results increase accessibility from state to state and between parents and school officials. According to Rock and Bateman (2009), information is available but accessing it is often problematic as publishing due process information is not universal from state to state. Confidentiality might be a concern when making due process case information public.

According to Ahearn (1994), state databases could help to (1) provide more accurate insight into the success and failures of mediation and other dispute resolution strategies; and (2) help states pool information about successful practices to seek solutions to common problems. Several states already have computerized systems that house due process cases, including Alabama and New Jersey. The Alabama website offers information about due process cases from 1978. According to NASDSE (1999), Alabama's website indicates the party that prevailed and the average cost per case. The New Jersey Administrative Law database houses the results of Special Education due process outcomes, furnished to Rutgers Law, among other ALJ outcomes since October 1997. Although it offers information of prevailing due process litigants, it does not offer statistics relevant to prevailing cases based on the complaint, nor does it house all outcomes in real-time.

This chapter provided readers with a summary of the literature I reviewed supporting this research project. I found many concerns raised about due process in the United States through my literature review, leading to research studies to address the problem. Specifically looking at New Jersey, my literature review revealed that an analysis of adjudicated due process cases solely based on New Jersey data has not been conducted since IDEA was reauthorized in 2004. Research that focuses on due process in New Jersey could identify patterns that lead to litigation and possible solutions. The next chapter provides details of the methodology I used to conduct this research study.

Chapter 3

Methodology

This chapter explains the research methodology and procedures used for the study. It describes the research design, strategy of inquiry, research methods, participant sample, data analysis, and philosophical assumptions used to help guide my research. Using a case study approach, I assessed more than 187 special education due process cases adjudicated between 2005 and 2012.

Methodological Approach

The purpose of the study was to analyze adjudicated due process cases based on New Jersey data from July 2005 to June 2012. In order to determine the appropriate methodology, my first step was to ensure I was clear about my definition of the problem (O’Leary, 2004). I sought to assess common patterns within adjudicated cases. Further, my research explored how former litigants described the process and how they believe it could be improved.

The research design used for this study was qualitative. According to Glensne (2006), qualitative research methods seek to explain influences that affect human behavior. Qualitative researchers cannot rely on one method of gathering information; they use various methods for gathering data (Glensne, 2006). I chose a qualitative framework to explore and better understand the complexities of Special Education litigation in New Jersey. According to Creswell (2009), qualitative researchers utilize an inductive style that focuses on the particular meaning and accounts for situational complexities (Creswell, 2009).

Before starting this research project, I knew I wanted to learn more about special education due process. The strategy of inquiry, which offered specific direction for procedures (Creswell, 2009), was a case study. According to O’Leary (2004), a case study is an approach to research that requires thorough analysis. A case study approach allowed me to form and shape my research from something broad (due process) to a detailed analysis of due process outcomes in New Jersey during a specific timeframe.

Case studies call for researchers to explore an event, process, individuals, and programs (Cresswell, 2009). I chose special education due process and my focal point. A case study design is similar to a funnel as it starts broad and narrows with focus (Bogdan & Biklen, 2007). As case studies are bound by time and activities (Creswell, 2009), I focused my research on due process in New Jersey between 2005 and 2012.

In conducting this case study, my goal was not generalizability (O’Leary, 2014). The goal was to glean information from multiple sources and examine outcomes to determine potential common patterns. The overarching goal was to raise awareness for school districts, families, and even lawmakers to a problem that might negatively impact special education practice in New Jersey.

Case studies rarely rely on one data collection method for rich qualitative data (O’Leary, 2014). Document analysis was the primary method used to support my qualitative research design. The document analysis consisted of an in-depth review of due process outcomes in New Jersey between 2005 and 2012. This research project also included an analysis of survey data to delve deeper. The surveys were administered to a group of parents and Special Education administrators.

Another reason I chose qualitative research was grounded in my Advocacy and Participatory philosophical worldview/stance of Special Education due process as a social issue. According to Creswell (2009), the Advocacy/Participant philosophical assumption includes an agenda for reform and improvement. The goal of my study was to identify potential themes and help reduce litigation and hopefully improve and preserve the parent-district relationship.

Rationale and Assumptions

IDEA was reauthorized in November 2004. Two areas of significant modification were parent involvement and due process (Zirkel, 2007). I chose to examine New Jersey data as this study has never been conducted exclusively using New Jersey data. Additionally, I chose to use July 2005 to June 2012 to reflect due process data gleaned after the last reauthorization of IDEA.

This study examined data from due process outcomes during a specific timeframe. The goal was to identify the possible existence of common patterns within adjudicated cases. Patterns could indicate a social issue that requires intervention and reform (Creswell, 2009), which could assist school districts and parents in better collaboration. Additionally, results from this study could inform the next federal reauthorization of IDEA and the local reauthorization of the New Jersey Administrative Code (NJAC) 6A:14.

Participants and Sampling Methods

Information gleaned for this study derived from three primary sources: Rutgers Law, the New Jersey Department of Education (NJDOE), and participant surveys. Due process case information, including outcomes, is publicly housed on the Rutgers University Law website. Based on that information, I created a list of adjudicated Special Education due process cases between July 2005 and June 2012. After obtaining case information from Rutgers, I made an Open Public Records Act (OPRA) request to the NJDOE for the same information. This request was made to triangulate and ensure I procured all relevant cases. My final source of data was gleaned from participants who completed a survey.

Surveys were completed using Survey Monkey. A convenience sample of five Special Education administrators and five parents/guardians of students with special needs, was used to obtain survey participants. All participants completed the survey voluntarily.

I was a Director of Special Education in Monmouth County, New Jersey, when I collected data for this research project. After creating the survey, I shared it with the Middlesex County Supervisor of Child Study for further distribution to County Special Education administrators, totaling 21 administrators. I also shared the survey with the Middlesex Statewide Parent Advocacy Network (SPAN), a broad-based group, for further distribution to parents/guardians of students with special needs. Lastly, the survey was advertised by Rowan University. I used my contacts in Middlesex county to help ensure the survey would be acknowledged. Additionally, I wanted to avoid soliciting

feedback from Monmouth county participants, where I worked, to avoid potential biases in favor or against my research.

Data Management and Analysis

According to Merriam (1997), data analysis involves making sense and meaning of data. I obtained IRB approval to conduct the research for this project. I contacted the New Jersey Administrative Law Office (Rutgers University) to inform them of my intent to capture due process outcomes from their public database for my research. The NJDOE was also aware of my study through my OPRA request. Lastly, I spoke with representatives from SPAN and the County Supervisor of Child Study to procure survey participants.

Qualitative data demands specific treatment focusing on thematic analysis (O’Leary, 2004). The survey for my study consisted of five multiple-choice, two Likert scales, and two open-ended questions. Participants provided feedback on all questions. I coded the two open-ended questions, looking for commonly used words, themes, and phrases. I used a spreadsheet to organize data. A copy of the survey questions is available in *Appendix A*.

Case studies are generally multi-method and often rely on interviews, observations, and document analysis to obtain rich qualitative data (O’Leary, 2004). My research led to the review of more than 200 due process cases and an analysis of ten surveys. I used a spreadsheet to help organize due process data. The information was sorted by: docket number, case begin and end dates, student classification, the

complaining party, the complaint, the outcome, and the prevailing party. See *Appendix B* for a list of due process cases that were analyzed for this study.

Establishing Trustworthiness

It is essential to speak to the “trustworthiness” of one’s methods and findings when conducting research. Trustworthiness is achieved by examining the reliability and validity of the practice. According to O’Leary (2004), reliability refers to producing the same result when a procedure or trial is repeated; validity indicates methods warrant the conclusions. The aforementioned helps readers value the work as a trustworthy source of knowledge.

I chose to approach my research from a qualitative case study perspective as this methodology offers a comprehensive description and analysis of a social issue. O’Leary (2004) notes the following advantages of case studies. “They can:

- have intrinsic value – cases might be unique, interesting, or even misunderstood
- be used to debunk a theory – one case can show that what is commonly accepted might, in fact, be wrong
- bring new variables to light – exploratory case studies can often bring new understandings to the fore
- provide supportive evidence for a theory – case studies can be used to provide anecdotal evidence for a theory or to triangulate other data collection methods
- be used collectively to form the basis of a theory – a number of cases may be used to inductively generate new theory” (pp. 116)

The analysis of existing data (due process outcomes) allowed me to answer research questions objectively. To further my request for objective information, I chose to add a survey that included open-ended questions. By triangulating due process outcomes, survey results, and the literature review, I demonstrated the validity and trustworthiness of this research project. Analyzing due process outcomes, survey results, and the literature review from three lenses also reduced the threat of bias and invalid data.

Role of Researcher

I have been an educator for 20 years. Since I became an administrator, I have been involved in numerous due process cases. I chose to focus my research on this topic because, based on my advocacy/participatory worldview, I believe there are flaws in the education system that require attention and reform. Researchers aim to produce knowledge not contingent on their beliefs, desires, or biases (O’Leary, 2004). The research methods used in this study helped control potential bias as it primarily relied upon an analysis of existing data to answer research questions objectively.

Limited Participation

A researcher needs to note potential limitations in their study. Relevant to case studies, O’Leary (2004) notes the following limitations associated with generalizability of case studies: “the required level of access can be difficult to negotiate; because case studies draw from only one or even a few, the demands on that one or few can be quite high; and the researcher can come to have an effect on the researched and vice versa” (p.116).

I surveyed ten parents/guardians and Special Education administrators from Middlesex county. The sample size could have been larger. Also, there are 21 counties in New Jersey. Feedback could have been gleaned from participants beyond the convenience sample. Lastly, I worked in Middlesex County for three years before conducting this study. If survey participants recognized me as the researcher, biased responses could have been collected. I may not be able to convince every reader of the worth of a case study, “but if you clearly articulate your goals and show how your study contributes to a particular body of knowledge, you are more likely to establish credibility and worth” (O’Leary, 2004, p.402).

This chapter provided an overview of the procedures and methodology used for this research project. A qualitative case study methodology was used to assess due process in New Jersey between 2005 and 2012. A document analysis of 187 due process cases was conducted. Additionally, ten surveys were administered to former due process litigants. Limitations, trustworthiness, and data management were also discussed. Chapter IV summarizes the findings and answers the research questions and the espoused theories outlined in this and previous chapters.

Chapter 4

Findings

The results of my research findings are discussed in this chapter. First, I conducted a document analysis of 187 New Jersey-based due process cases, filed between 2005 and 2012, relevant to the following: petitioner, outcome, prevailing party, and complaint. Next, I analyzed results from ten surveys completed by parents and special education administrators. Information gleaned from the document analysis and survey responses were used to answer the research questions: “What are the common patterns within adjudicated special education cases between 2005-2012?”; “How do parents and special education administrators describe due process and how it can be improved?”; and “How can leaders work with parents more effectively to benefit students?”

Due Process Case Data

The petitioner is the person who initiates due process. The respondent is the person who responds to a due process petition. Due process data in this chapter was primarily presented through the parent’s lens to avoid vacillating between parent and district data. Relevant to the 187 cases analyzed for this study, the petitioner was identified as either the parent or district. I found the parent was listed as the petitioner 89% and the district 11%. One point to note, the parent was represented by an attorney or advocate 53% when they filed for due process; otherwise, they represented themselves (pro se). The district was represented by an attorney 100%. The aforementioned is illustrated in Table 1.

Table 1

Petitioner

| | Petitioner | Attorney/Advocate Representation |
|------------------|------------|----------------------------------|
| District (n= 21) | 11% | 100% |
| Parent (n= 166) | 89% | 53% |

For this study, outcomes refer to the final decision handed down from the Administrative Law Judge (ALJ) and accepted by the Office of Special Education Programs (OSEP). I categorized the 187 due process cases into four outcomes: denied, dismissed, granted, and split.

The first outcome category was “denied”. This category represented cases where the ALJ did not favor the petitioner based on the evidence presented. Fifty one percent of cases analyzed for this study were denied. Of the 51%, the parent filed 98% and was represented by an attorney or advocate 52%.

The second outcome category was “dismissed”. As with denied cases, this category represented cases where the ALJ reviewed the evidence and did not favor the petitioner. Further, dismissed cases represented situations where the ALJ decided or agreed with the respondent that a hearing was moot, unnecessary, or unsubstantiated. Each case (100%) dismissed was initially filed by the parent. Based on the cases analyzed for the study, 15% were dismissed. Additionally, parents were represented by either an attorney or advocate in 29% of dismissed cases.

The third outcome category was “granted”. This category represented cases where the ALJ agreed with the petitioner’s due process request. This outcome was handed down by the judge 28%. I found that the parent was the petitioner 63% upon further analysis. Additionally, 63% of the time, the parent was represented by an attorney or advocate.

The last outcome category was “split”. This category represented ALJ decisions that favored both the petitioner and the respondent. Split outcomes represented 6% of the 187 cases analyzed for this study. The parent initially filed every split decision outcome (100%). Additionally, the parent was represented by an attorney or advocate 73%. One finding of interest, across all outcomes, the parent filed at a higher rate than the district. Table 2 illustrates all findings for the category outcomes.

Table 2

Outcomes/Decisions

| | Outcomes/ Decisions | District Petitioner | Parent Petitioner | Parents Represented by Attorney/ Advocate |
|-------------------|------------------------|------------------------|----------------------|--|
| Denied (n= 96) | 51% | 2% (n=2) | 98% (n=94) | 52% |
| Dismissed (n= 28) | 15% | 0 | 100% (n=28) | 29% |
| Granted (n= 52) | 28% | 37% (n=19) | 63% (n= 33) | 63% |
| Split (n=11) | 6% | 0 | 100% (n=11) | 73% |

The prevailing party is the litigant who successfully presents a case and receives a favorable outcome. Based on the 187 cases analyzed for the study, I identified four categories of prevailing parties: district, parent, both, and resolved. Table 3 illustrates these findings relevant to the prevailing party. The district was the prevailing party 71%. In cases the district prevailed, the parent initiated due process 86%, and the parent was represented by an attorney or advocate 44%. My findings also showed that the parent prevailed 19% of the time. Of those cases, 94% were initiated by the parent; and 89% of the time, the parent was represented by an attorney or advocate. In 8% of cases, both parties were listed as prevailing based on the decision from the ALJ, indicating a judgment in favor of both the petitioner and respondent. Of those decisions, 100% were filed by the parent, and 57% of the time, the parent was represented by an attorney or advocate.

The last category in this section was “resolved”. This category refers to due process cases that the ALJ identified as resolved instead of proceeding with litigation. I found that 2% of cases analyzed for this study fell in this category. Of those due process cases, 100% were filed by the parent, and they were represented by an attorney or advocate 25%. On an important note, 95-100% of the time, the prevailing party was not the party who filed for due process.

Table 3*Prevailing Party*

| Prevailing Party | Cases | Filed by District | Filed by Parent | Parents Represented by Attorney/ Advocate |
|------------------------------|-------|-------------------|-----------------|---|
| Both (n= 14) | 8% | 0 | 100% | 57% |
| District (n= 133) | 71% | 14% (n=19) | 86% (n=114) | 44% |
| Parent (n= 36) | 19% | 6% (n=2) | 94% (n=34) | 89% |
| Resolved Before Court (n= 4) | 2% | 0 | 100% | 25% |

I also examined how parents prevailed and whether an attorney or advocate represented them. As Table 4 shows, by including those decisions in which both parties prevailed and resolved decisions, parents prevailed 29% of the total 187 cases. When the parent prevailed, they were represented by an attorney or an advocate 76%. In contrast, parents did not prevail 71% of the time, and they were represented by an attorney or advocate 44% of that time. The findings are illustrated in Table 4.

Table 4

Overall Cases Including Split Decisions and Resolved Before Court

| | | | |
|-------------------------------------|-----|---|-----|
| Parents Prevailed (n= 54) | 29% | Parents Represented by Attorney/Advocate (n= 41) | 76% |
| Parents did not Prevail (n= 133) | 71% | Parent Represented by Attorney/Advocate (n= 58) | 44% |

The “complaint” is the statement of the issue(s). Based on my 187 due process cases analysis, I found nine overarching complaint types/categories. They are as follows: placement dispute, program dispute, evaluation dispute, classification dispute, compensatory education, reimbursement request, mediation request, reverse expulsion, and trial request.

The first complaint type was “classification”. This complaint means the petitioner disagreed with the student’s classification. This complaint was identified in 5% of cases: the parent initiated 89%, prevailed 11%, and was represented by an attorney or advocate 33%.

Complaints associated with “compensatory education” means the petitioner is seeking relief as they feel a Free and Appropriate Public Education (FAPE) was not offered to the student. This complaint was identified in 3% of cases: the parent initiated 100%, prevailed 33%, and was represented by an attorney or advocate 67%.

The next complaint category was “evaluation dispute”. This category means the petitioner disagreed with some aspect of the evaluations conducted to determine the student’s eligibility, program, or placement. Evaluation disputes were identified 11%, the parent filed 38%, prevailed 14%, and was represented by an attorney or advocate 29%.

Complaints associated with “placement” highlight the petitioner’s dispute over the location of the student’s program, often indicating an out-of-district placement was sought. This category typically highlights a dispute over LRE, the percentage of time a student should spend in a setting with non-disabled peers. Placement disputes were the most numerous at 72, constituting 39% of cases. The parent filed 96%, prevailed 21%, and was represented by an attorney or advocate 66%.

“Program Disputes” referred to the petitioner’s disagreement with the type of services outlined in a student’s IEP. Program disputes were identified 35%, a total of 65 cases. The parent filed 92%, prevailed 32%, and was represented by an attorney or advocate 45%.

A request for “mediation” was identified in 1% of cases. This category means the petitioner requested to convert their due process petition to a mediation session. Of these cases, 100% were filed by a parent. The parent prevailed 50% and was represented by an attorney or advocate 50%.

A complaint associated with “reimbursement” means the petitioner filed for due process to request relief for fees incurred for educationally relevant services. This complaint made up 5% of cases. The parent was the petitioner 100%, prevailed 40%, and was represented by an attorney or advocate 60%.

In one case, a due process petition was filed where the complaint was identified as an “immediate trial” request. The petitioner requested to bypass mediation and a resolution session. This due process request represented .5% of cases. The parent was the petitioner (100%), prevailed (0%), and was represented by an attorney or advocate (100%).

The last complaint category was a request for “reverse expulsion.” Here, the petitioner was looking to dispute a decision to expel a student. The case represented .5% of due process cases analyzed for this study. The parent was the petitioner (100%), did not prevail (0%), and was not represented by an attorney or advocate (0%). Information relevant to all complaints analyzed for this study is illustrated in Table 5.

Table 5*Complaints*

| | Complaint | Complaints filed by Parent | Complaints in which Parent Prevailed |
|-------------------------------|-----------|----------------------------|--------------------------------------|
| Classification Dispute (n= 9) | 5% | 89% | 11% |
| Compensatory Education (n= 6) | 3% | 100% | 33% |
| Evaluation Dispute (n= 21) | 11% | 38% | 14% |
| Placement Dispute (n=72) | 39% | 96% | 21% |
| Program Dispute (n= 65) | 35% | 92% | 32% |
| Mediation Request (n= 2) | 1% | 100% | 50% |
| Reimbursement Request (n=10) | 5% | 100% | 40% |
| Immediate Trial Request (n=1) | .5% | 100% | 0% |
| Reverse Expulsion (n=1) | .5% | 100% | 0% |

Survey Data

The survey consisted of nine questions. The first three questions were multiple choice. Participants responded to all three questions. The first question (Table 6), “Were you listed as the parent/guardian or school district in the case of due process?” revealed that 50% of participants were listed as the “parent/guardian” on the due process petition. The second question (Table 6), “Who initiated due process,” revealed the parent was the petitioner 90%. The third multiple choice question (Table 7), “Who prevailed in the case?” revealed that 40% were settled; parents prevailed 30%, and districts prevailed 30%.

Table 6

Multiple Choice

| Question text | Parent/Guardian | School District |
|---|-----------------|-----------------|
| #1: Were you listed as the parent/guardian or school district personnel in the case of due process? (n=10) | 50% | 50% |
| #2: Who initiated due process? (n=10) | 90% | 10% |

Table 7

Multiple Choice, Part II

| Question text | Parent/Guardian | School District | Settled Before Court |
|---------------------------------------|-----------------|-----------------|----------------------|
| #3: Who prevailed in the case? (n=10) | 30% | 30% | 40% |

Question four (Table 8) had a two-part Likert scale format that asked participants their “assessment of the parent-school relationship before due process and after due process.” Both parts of the question were answered by 100% of participants. Relevant to “before due process,” 90% of administrators felt the relationship was “fair,” while 10% said it was poor. As for parents (Table 9), 40% said the relationship was “good”; 40% said it was “fair,” and 20% said it was “poor.” Pertinent to “after due process,” 60% of administrators felt the relationship was “fair,” and 40% said it was good. Relevant to parents, 40% said the relationship was “good”; 40% said it was “somewhat poor,” and 20% said it was “poor. “

Table 8*Likert Scale – Administrators*

| | Very Good | Good | Fair | Somewhat Poor | Poor |
|---|-----------|------|------|---------------|------|
| #4A: My assessment of the parent-school relationship: Before Due Process (n= 5) | 0% | 0% | 90% | 0% | 10% |
| #4B: My assessment of the parent-school relationship: After Due Process (n=5) | 0% | 40% | 60% | 0% | 0% |

Table 9*Likert Scale – Parents*

| | Very Good | Good | Fair | Somewhat Poor | Poor |
|--|-----------|------|------|---------------|------|
| #4A: My assessment of the parent-school relationship: Before Due Process (n=5) | 0% | 40% | 40% | 0% | 20% |
| #4B: My assessment of the parent-school relationship: After Due Process (n=5) | 0% | 40% | 0% | 40% | 20% |

Questions five, six, and seven (Table 10) were dichotomous as they required “yes” or “no” responses from participants. Question five asked if participants think the “parent-school relationship is collaborative as intended by IDEA and 6A:14”. Based on

responses from administrators, 75% said yes; 25% said no. One administrator did not respond “yes” or “no.” Instead, the administrator offered the following narrative response: “In most cases, depending on the situation, however, the team has more knowledge of student educational needs than the parent. Sometimes parents do not see what is best for their child.” Parent responses to this question revealed 60% said no, while 40% said yes. One parent provided the following narrative response in addition to their “yes” or “no” answer: “Yes; I feel the CODE is vague at best, defining collaborative is subject in nature.”

The next dichotomous question asked if “mediation was pursued before due process.” Question number six was answered by all participants. All parents said yes. As for administrators, 60% said “yes,” and 40% said “no.” The last dichotomous question asked participants, referring to their experience with due process, if they felt it was “important to pursue lesser means of dispute resolution.” All participants responded “yes” to this question. One parent added the following narrative to their response: “Yes, all avenues of dispute resolution should be used in the sequence they were designed for.”

Table 10

Dichotomous

| Question text | Administrators (n=4) | Administrators (n=4) | Parents (n=5) | Parent (n= 5) |
|--|----------------------|----------------------|---------------|---------------|
| | Yes | No | Yes | No |
| #5: Do you feel the parent-school relationship is "collaborative" as intended by IDEA and New Jersey Special Education Code 6A:14? | 75% | 25% | 40% | 60% |
| #6: Was mediation pursued before due process? | 60% | 40% | 100% | 0% |
| #7 After your experience with due process, do you believe it is important for schools and parents to pursue lesser means of dispute resolution (e.g. mediation) first? | 100% | 0% | 100% | 0% |

The final two questions were open-ended. All participants provided feedback on each question. Question eight asked: “What ways might schools and parents improve on collaborative practices in planning for the educational needs of students to help decrease reliance on due process as a means of dispute resolution?” Question nine asked: “What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution?”

Relevant to question eight, multiple responses from administrators suggested that communication, collaboration, training, and local level dispute resolution would help

decrease reliance on due process. One administrator said mediation should be mandatory. Two administrators advocated for dispute resolution on the local [district] level. Another administrator advocated for low caseloads to enable case managers to foster better and more trusting relationships with parents. Aligned with feedback from administrators, parents also cited [better] communication, collaboration, and training as avenues to improve planning for the needs of classified students. One parent cited concerns about trust as he/she does not believe mediators are impartial. Another parent said districts look to “bankrupt” and “financially bully” parents instead of collaborating with them. One additional parent comment suggests that districts fail at individualizing programming to meet the needs of students.

As it pertains to question nine, four out of five administrators said “communication” is one way to resolve matters and avoid due process. One administrator advocated for a meeting “without attorneys.” Another said to discuss the “benefits of mediation.” Relevant to feedback from parents, communication was again identified as a means to resolve matters without due process. Two parents cited concerns with trusting the district and the process of mediation. One parent said districts should accommodate student needs better and look beyond “compliance.” Lastly, one parent said they did not understand my question but added that he or she thought the [special education] code was pretty “clear” and “concise” about due process. Table 11 details the open-ended responses from each survey participant.

Table 11

Responses to Open Ended Questions

| | | |
|-------------------|---|---|
| Survey Respondent | Question 8: What ways might schools and parents improve on collaborative practices in planning for the educational needs of students to help decrease reliance on due process as a means of dispute resolution? | Question 9: What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution? |
| Administrator | I think that mediation should be mandated. Of course communication is important and resolution conference should be mandated also. | Discuss options |
| Administrator | parents want what they want and at times are unwilling to collaborate. | Communication and trust are the most important. Districts must be able to provide data that prove their perspective. |
| Administrator | Have a parent survey which the parents can speak to the needs of the SPED program. parent Training IEP training for CST Gen Ed and Sped Ed teachers taking accountability for student learning. | Set up a meeting without attorney to see if both parties can agree on what is an appropriate program. |
| Administrator | The focus must be on keeping the lines of communication open. When disputes arise, all efforts must be made to resolve them at the district level, if not, strongly encourage the parent to participate in mediation. | Explain the process of mediation and the benefits. Assure the parent that the mediator is an objective third party and that if it fails, the parent still has the option to pursue due process. |

| | | |
|-------------------|---|--|
| Survey Respondent | Question 8: What ways might schools and parents improve on collaborative practices in planning for the educational needs of students to help decrease reliance on due process as a means of dispute resolution? | Question 9: What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution? |
| Administrator | Well trained CST people, lower case loads so the case managers have more time to devote to the cases, and parent education on the process and the law | Negotiate better at the IEP meetings, and resolution sessions prior to due process. |
| Parent | 1. Preparation ahead of IEP meetings (IE: District should make greater than a habit of providing * goal development and thoughts to guardians well in advance of IEP meeting.) Courtesy suggest 5 business days. That is reasonable. 2. parents need to be aware of the code and IEP creation prior to entering the meeting format. Using lack of knowledge as a rationale for inequality is no excuse. | I do not understand the question as it is proposed. I will take a stab though. I think the way the code outlines Due Process is clear, concise and to the point. In PRISE it verbalizes the step by step scenarios making DP the last resort if all else is fruitless. |

| | | |
|-------------------|---|---|
| Survey Respondent | Question 8: What ways might schools and parents improve on collaborative practices in planning for the educational needs of students to help decrease reliance on due process as a means of dispute resolution? | Question 9: What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution? |
| Parent | Schools are not interested in collaboration because it sets a precedent. It is easier and cheaper for them to attempt to bankrupt, or financially bully a family. It would be best for a district to find one aspect of special Ed to focus on and do it really well, bringing in other children and send the other students in special education out of district. | Schools only look at it from a financial perspective. If they were to honestly try to accommodate, it may be cheaper. |
| Parent | There needs to be better enforcement of the code so that parents won't be forced into conflict resolution. Schools do what they can to not provide services and parents are often going to due process because the district refuses to meet the reasonable needs of a child. Also, plans need to be individualized, districts frequently try to compartmentalize children for their own convenience | Schools need to provide best practices, or even better practices, instead of "compliance" . Teams should discuss position and interests and come to resolution that works for both parties. |
| Parent | It would be helpful to speak more frequently | Talk, state mediators are not impartial |
| Parent | more proactive and collaborative planning | mediation does help |

In this chapter, I discussed the findings of this research project. A document analysis of 187 due process cases was conducted. Cases were broken down into four major categories: petitioner, outcome/decision, prevailing party, and complaint. Next, I analyzed the survey results. To accomplish this, I broke down the results by question type: multiple-choice, Likert scale, dichotomous and open-ended. Chapter V will discuss the results of my findings, answer research questions, and align the results to educational leadership.

Chapter 5

Results and Conclusions

In this final chapter, I discuss the results of my analysis of special education due process in New Jersey from 2005 to 2012. I started with a summary of my findings. Next, I answered the research questions. As I addressed each research question, I discussed ways to improve the practice of special education due process. Limitations and delimitations to my research are also addressed in this chapter. Finally, I discussed this study's implications on my role and practice as a transformational leader.

There were two major components to my case study of Special Education due process. The first was a document analysis of due process case outcomes between 2005 and 2012. The next major component of my research was a survey that sought feedback from school administrators and parents who were previously involved in a due process proceeding. The data analysis and survey responses answered all three research questions.

Based on the document analysis, 187 due process case outcomes were used for this study. I categorized findings based on the following: petitioner, outcome, prevailing party, and complaint. The parent was listed 89% and the district 11% for the petitioner. Relevant to outcomes, I found that 51% were denied, 15% were dismissed, 28% were granted, and 6% were split. Pertinent to the prevailing party category, I found 71% district, 19% parent, 8% both, and 2% resolved. Lastly, I identified nine overarching categories associated with complaint. These were my findings: 39% placement dispute, 35% program dispute, 11% evaluation dispute, 5% classification dispute, 5%

reimbursement request, 3% compensatory education, 1% mediation request, .5% reverse expulsion and .5% trial request.

A total of ten people completed the survey for my research. Five identified themselves as special education administrators (administrators) and five as parents (parent) of students with special needs. Participants were asked to consider one case of due process as they completed the nine-question survey.

Ninety percent of survey participants said the parent initiated the due process. Relevant to the question about prevailing party, participants offered the following: 30% parent, 30% district, and 40% settled. When asked to assess the school-parent relationship before due process, 90% of school administrators said the relationship was fair, and 10% said it was poor. When parents answered the same question, they reported 40% good, 40% fair, and 20% poor. When asked to assess the school-parent relationship after due process, 40% of school administrators said the relationship was good, and 60% said it was fair. When parents answered the same question, they reported: 40% good, 40% somewhat poor, and 20% poor.

Seventy-five percent of school administrators and 40% of parents identified the school-parent relationship as collaborative. Sixty percent of school administrators and 100% of parents said mediation preceded due process. One hundred percent of participants agreed that pursuing lesser means of dispute resolution when problems arise was important. Responses to the two open-ended questions revealed that both school administrators and parents believed communication and education/training could help

decrease disputes. Both sides also identified similar concerns related to the need for mediation before pursuing due process.

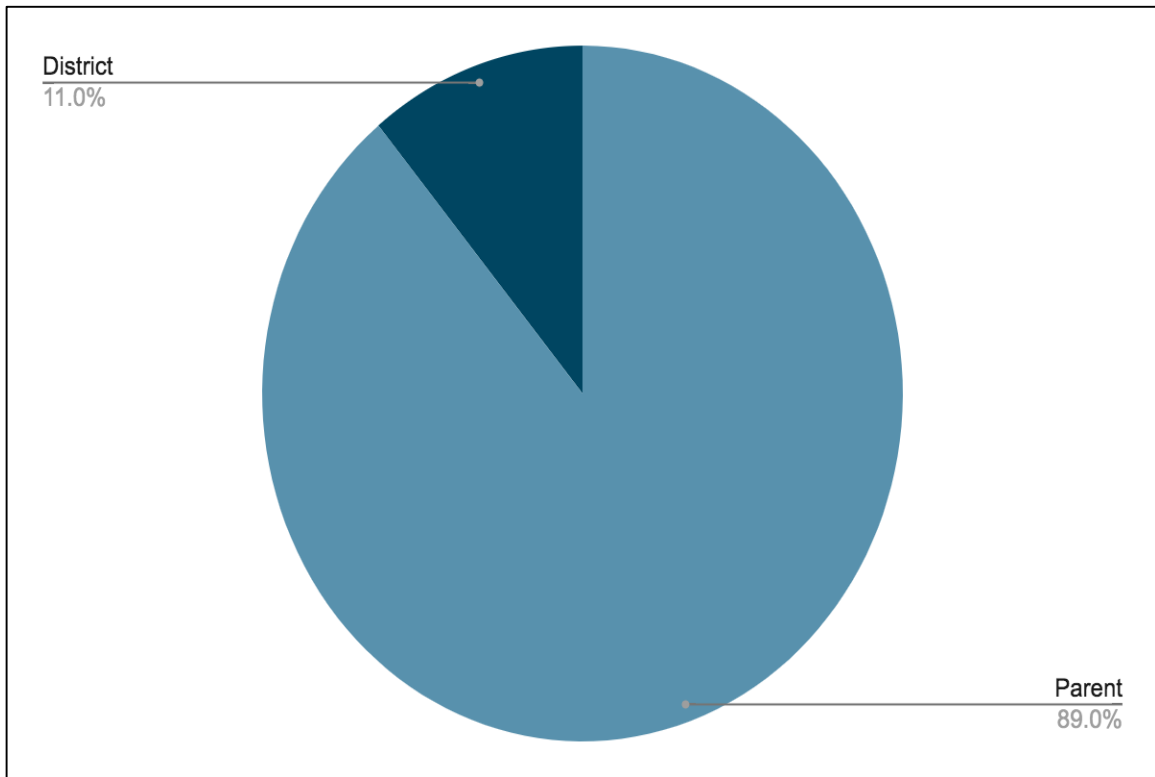
Research Question 1

What are the common patterns within adjudicated special education cases between 2005-2012?

One common pattern that stood out for me referred to the petitioner. The parent filed for due process at a disproportionately higher rate than districts, even with the guidance of an attorney or advocate (see Figure 1). I was surprised by this pattern as collaboration between parents and districts is emphasized in IDEA to help avoid litigation (Rock & Bateman, 2009). My findings could help parents and school districts understand the potential for litigation, and the possible outcome, if they cannot agree on special education matters. Additionally, my findings in this area suggest that further research could help determine why parents file for due process at a higher rate than school districts, even with the guidance of legal representation.

Figure 1

Petitioner



A second common pattern emerged when I assessed due process outcomes. My finding revealed a high prevalence of denied and dismissed cases filed by parents (see Figure 2 and Figure 3). Additionally, in the overwhelming majority of those cases, the parents were represented by an attorney or advocate. Due process proceedings are time-consuming and costly (Bar-Lev et al., 2002). If more than half of adjudicated cases, which parents primarily file, are denied or dismissed, emphasis should be placed on improving mediation and other means of dispute resolution prior to filing for due process. It might be helpful to review mediation and dispute resolution practices to help mitigate

these cases. Reviewing cases could save time, money, and frustration associated with litigation (Bar-Lev et al., 2002).

When I assessed cases granted by an ALJ, the parent was the petitioner 33 out of 52 (63%). Granted means the ALJ upheld the parent's assessment of the issue. Therefore, school districts should review due process cases for which they did not prevail to identify areas for improvement. Further assessment of these cases revealed that the parents were represented by an attorney or advocate in the majority. IDEA was designed to address social justice inequities by protecting the rights of students with disabilities (Smith, 2005). The rights of students should be protected whether a parent has the means to retain legal representation or not. To that end, districts should review due process cases, whether they prevailed or not, to help ensure the voice and concerns of parents were not stymied because the parent did not have the means or foreknowledge to hire an attorney or advocate as this would indicate a social justice issue.

Figure 2

Denied

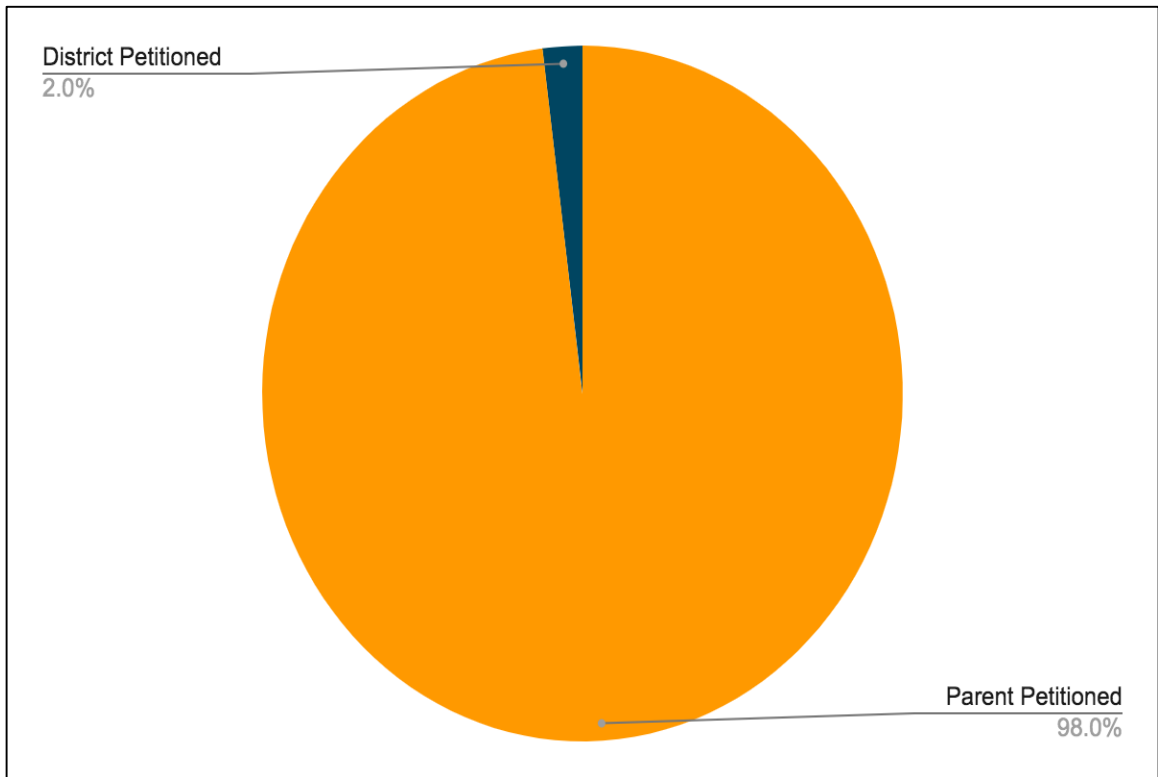
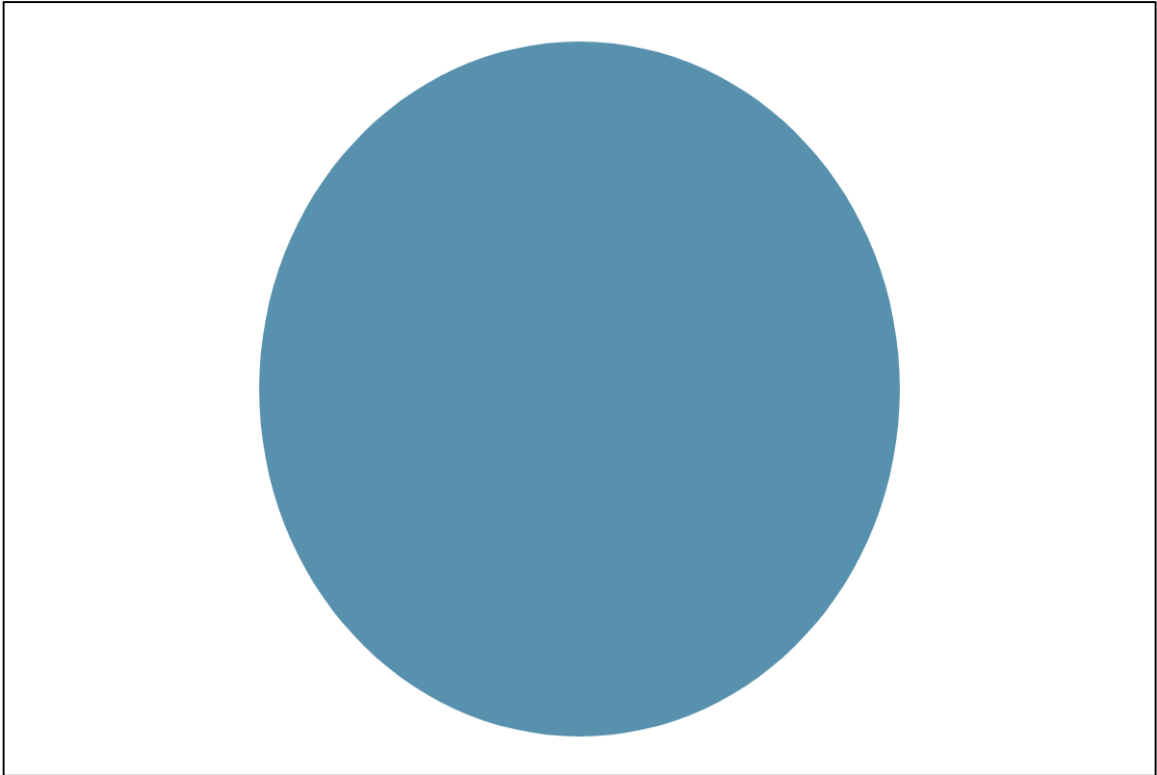


Figure 3

Dismissed



A third common pattern my research reveals is associated with the prevailing litigant. Whether counsel represents a parent or not, districts prevailed disproportionately higher than parents (see Figure 4). My data does shows parents fair better when an attorney or advocate represents them (see Figure 5). My findings align with an earlier study conducted by Newcomer and Zirkel (1999), where they assessed adjudicated cases in the United States between 1975 and 1995. They found that districts prevailed 60% of the time compared to parents who prevailed 32%. Findings from both studies might indicate a flaw in due process that favors school districts. Further assessment of outcomes

might also reveal that parents are not becoming more careful in the cases they consider litigating, as Newcomer and Zirkel (1999) indicated.

Figure 4

Parent Outcomes

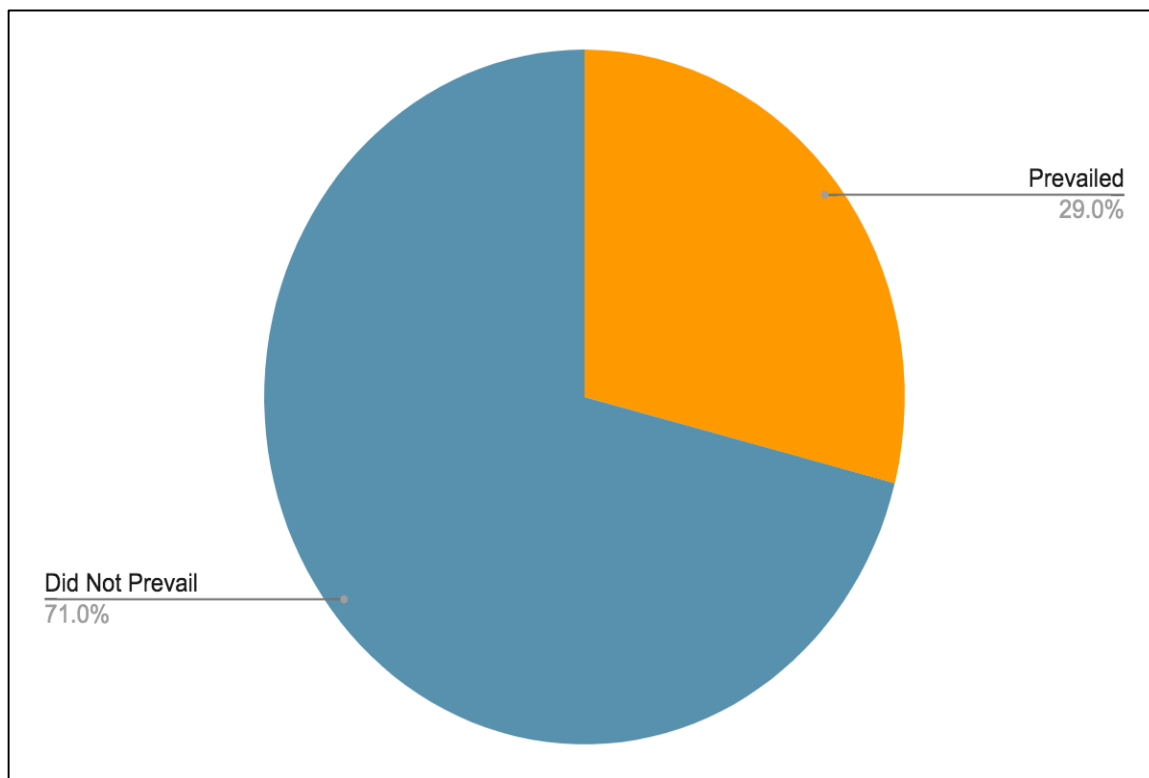
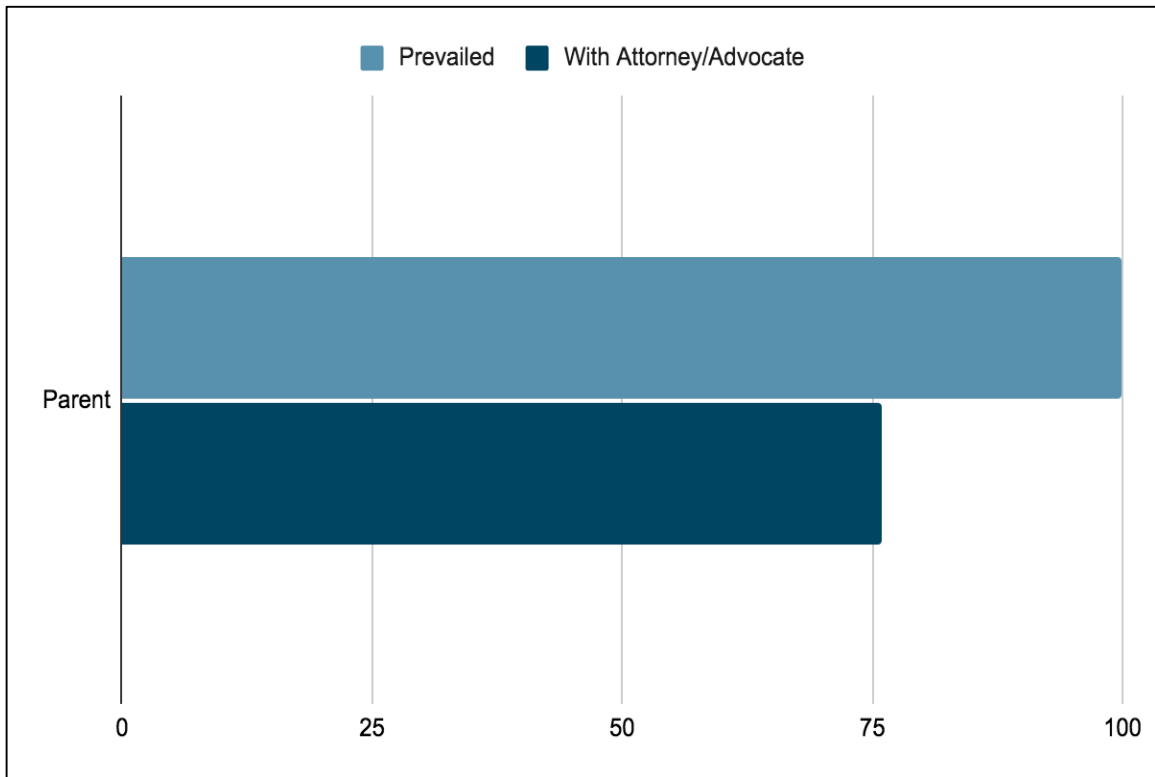


Figure 5

Parents Prevailed



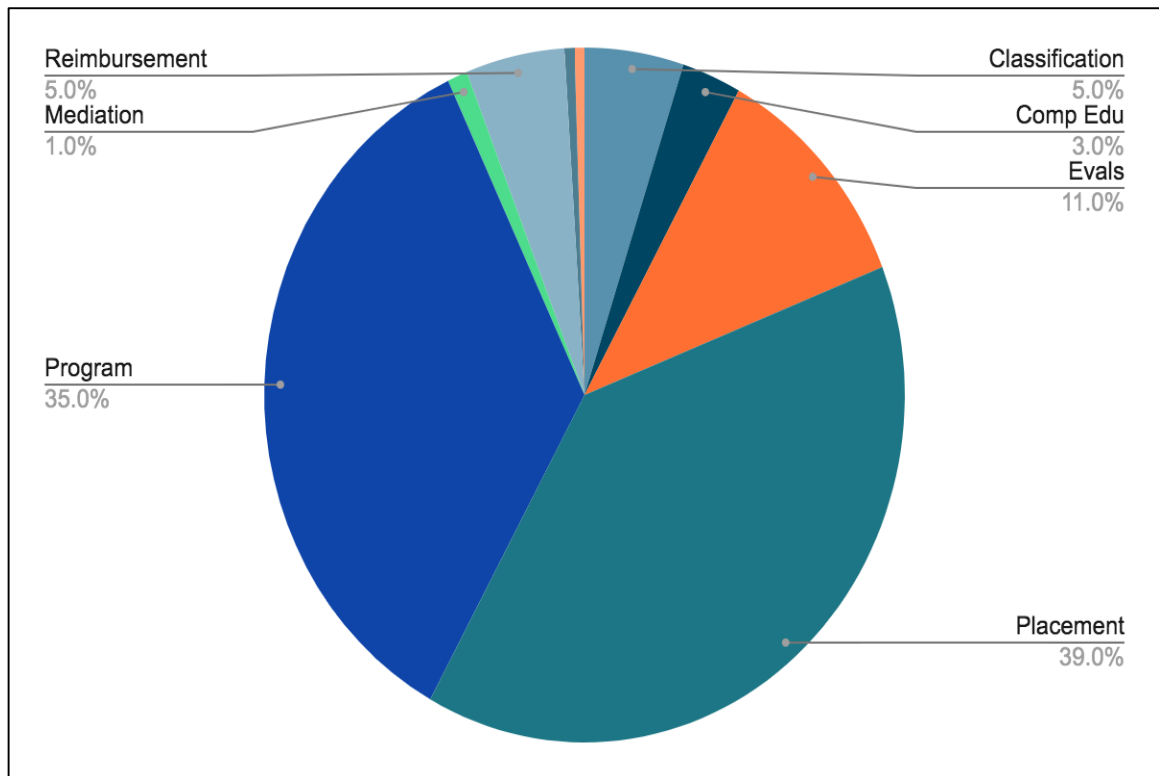
The last area where my research revealed a pattern was associated with due process complaints. The two most common categories were placement and program disputes. My research revealed that 39% of complaints were associated with placement, and 35% were associated with the program (see Figure 6). When combined, that means 73% of the cases analyzed for my research were a dispute over LRE.

My findings are not dissimilar to past studies. Sixty-three percent of adjudicated cases across the United States between 1975 and 1995 were associated with a dispute over placement (Newcome and Zirkel, 1999). Zirkel and Gischlar (2008) said disputes

over LRE are common between parties. According to Kolbe, McLaughlin, and Mason (2007), New Jersey ranked high in educating classified students in an environment where they spend more than 60% of the school day separated from general education students. Based on my findings associated with LRE disputes and past studies that yielded similar results in New Jersey and across the United States, it might be helpful if the next reauthorization of IDEA addressed new ways to increase the effectiveness of dispute resolution with an emphasis on LRE.

Figure 6

Complaints



I want to highlight one final pattern that emerged relevant to complaints. The only area where districts were the majority in petitioning due process was evaluation disputes. In these cases, districts were either defending evaluations they conducted or disputed the need for additional or private evaluations. We might notice a decrease in litigation if parents feel included and knowledgeable about the IEP and evaluation process (Rock & Bateman, 2009). School districts should consider finding ways to educate parents on what data is essential (and why) to inform classification, placement, and program decisions.

Research Question 2

How do parents and special education administrators describe due process and how it can be improved?

The survey revealed that most participants said the parent initiated the due process. According to Zirkel and Gischlar (2008), litigation initiated by the parent is an issue across the United States. Therefore, emphasis should be placed on educating parents and school personnel about due process outcomes to stress the importance of improving mediation and dispute resolution practices. Guidance for doing so should be addressed when IDEA is reauthorized. Until such time, administrators could look at the rate of due process in their district to assess the extent of the problem and develop a plan to mitigate cases.

The following summarizes the prevailing party as reported by survey participants: 30% parent, 30% district, and 40% settled. Although this information is helpful, because I asked for the prevailing party and not the ALJ's decision the information is somewhat limited. However, those mentioned above could be useful, in part, to demonstrate

whether judges (who oversee due process cases) are impartial. Future research in this area might include an assessment of due process in which parents and administrators explain more about their due process experience, outcomes, and how they felt about the decision handed down by the judge or the settlement reached.

When administrators were asked about the parent-district relationship before and after litigation, most administrators said they felt the relationship was either stable or improved after litigation. In contrast, parent responses revealed that they felt the parent-district relationship was less stable and somewhat deteriorated after litigation (see Figure 7 and Figure 8). This finding aligns with Getty and Summy's (2004) findings that feelings of anger and distrust can emerge towards school staff from parents associated with litigation. To that end, greater emphasis by the school district and IDEA should be placed on strengthening mediation and dispute resolution practices.

Figure 7

Before Due Process

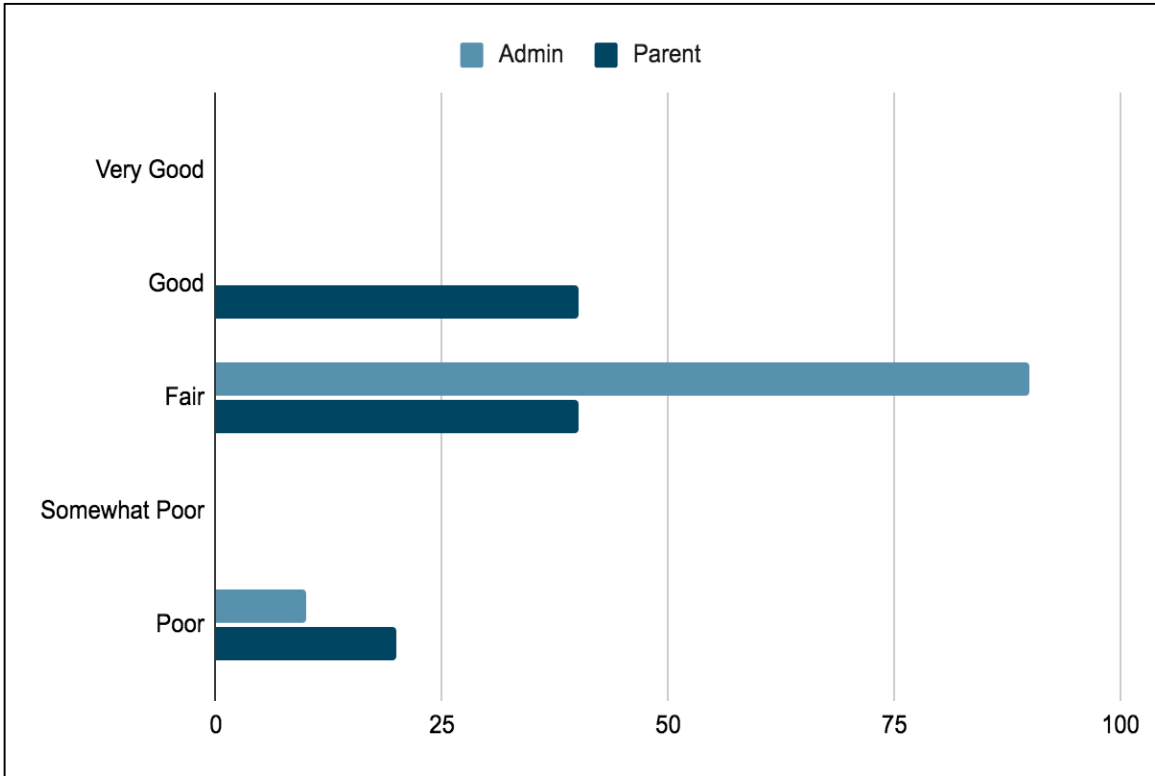
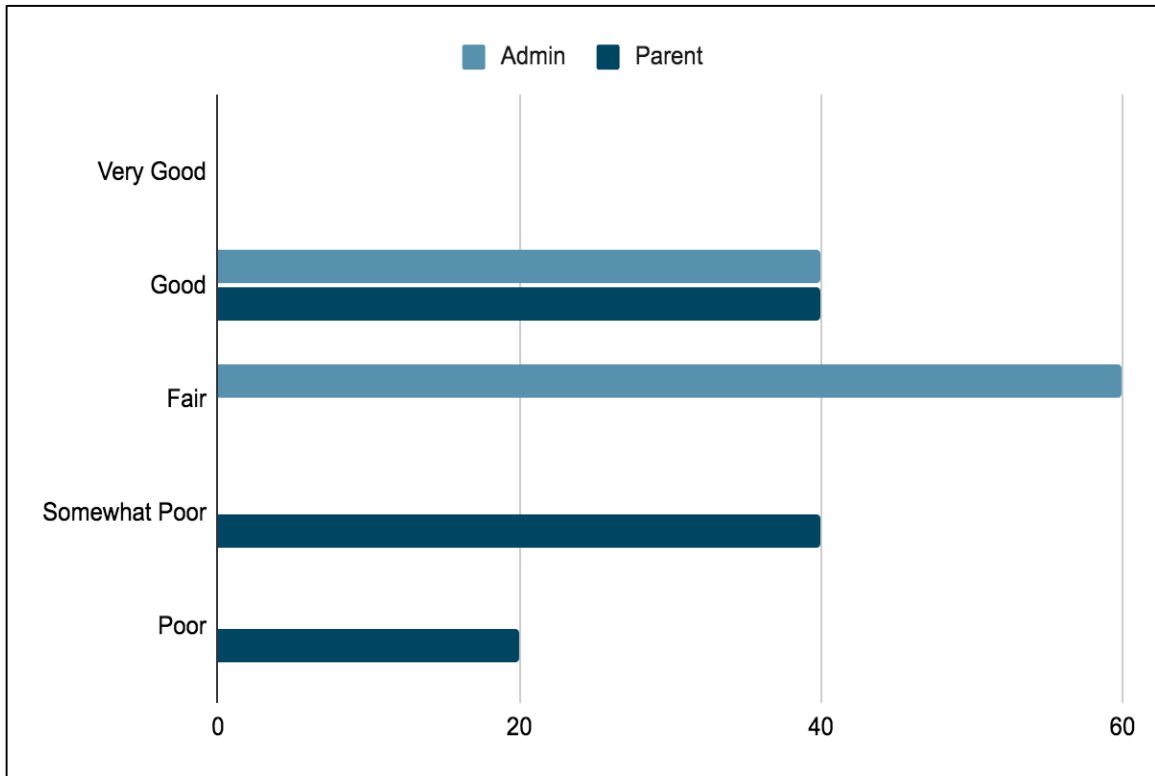


Figure 8

After Due Process



Based on survey responses, there is a disparity between how administrators and parents view their relationship with each other. One administrator said, “The [Child Study] team has more knowledge of a student’s educational needs than the parent. Sometimes parents don’t see what is best for their child.” A parent offered this narrative response about their view: “I feel the [special education] CODE is vague at best, defining collaborative is subject[ive] in nature.” Based on these results, it is advisable for districts to proactively seek ways to assess and strengthen the parent-district relationship for the overall benefit of students with special needs.

IDEA was reauthorized to help schools and parents work more collaboratively in goal setting for classified students (Mueller, 2009). Better collaboration can be accomplished by soliciting feedback, through surveys and meetings, from parents about their experience and feelings pertinent to district programs and services.

When asked if mediation was sought before due process, most survey participants said yes. In further reflection, it would have been more helpful to ask participants to provide details about their experience with mediation which might have helped highlight strengths and weaknesses of the practice of mediation. Data gleaned from that type of question could help refine mediation practices, federally within IDEA and locally, on the district level, in hopes of resolving more cases, mitigating the need for due process hearings where possible (Getty & Summy, 2004).

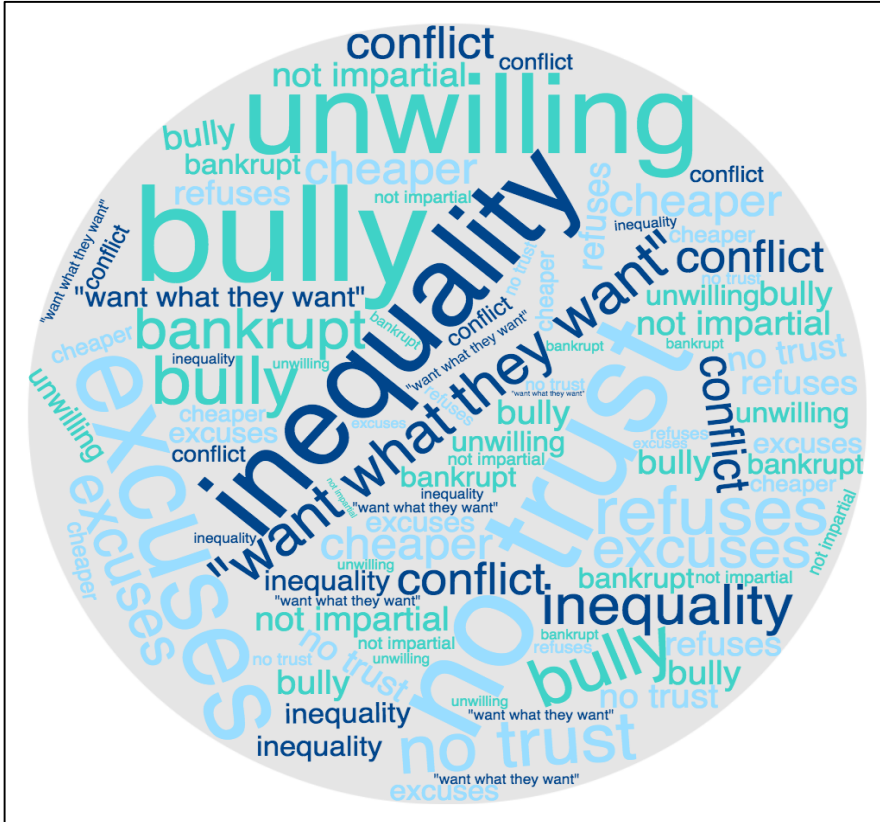
All survey participants said they believe it is important for parents and districts to pursue lesser means of dispute resolution before due process. For me, this indicates that both administrators and parents have a desire to resolve matters without the laborious task of a due process court hearing. Across the United States, districts spend more than \$90 million per year on conflict resolution (Mueller, 2009). Based on my research, New Jersey parents were represented by an attorney or advocate during due process proceedings more than half of the time. These findings indicate that millions of dollars and time could be saved if we make concerted efforts to evaluate and improve mediation to decrease reliance on due process hearings to resolve matters.

The last two questions from my survey were open-ended. The analysis of parent and administrator responses to questions eight and nine revealed similar themes (see

Figure 9 and Figure 10). They both identified communication and education/training as ways to help decrease disputes. Both parents and school administrators also highlighted similar concerns about the need for mediation before pursuing due process. I also identified similarities in how each party views the other. For question eight, some school administrators reported that parents' lack of education about special education law is problematic. This finding aligns with Fish (2008), who said parents' limited knowledge of IDEA compared to school personnel places them at a disadvantage. A few parents identified trust as a barrier to resolving matters. This finding aligns with Nowell and Salem (2007), who said conflict arises in the absence of mutual responsibility for decision making.

Figure 9

Word Cloud of Opinions and Assumptions



I was able to identify two overarching themes: both parents and administrators believe communication and education/training about the Special Education code/law will help improve collaboration between parties. According to Lake and Billingsley (2000), good parent-school communication enables parties to problem-solve and mitigate their differences. It is conceivable to believe that concerted efforts to improve communication and educating parties about Special Education law/code, especially in due process, will help decrease litigation. According to Lake and Billingsley (2000), good parent-school

communication enables parties to problem-solve and mitigate their differences. The fact that 51% of due process cases were denied and 15% were dismissed indicates we are litigating the wrong cases.

Question nine asked, “What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution?” I again identified a few overarching themes from administrator and parent responses. Both parties agreed that communication and mediation are important to help avoid due process. Nowell and Salem (2007) said mediation is valuable in avoiding due process. The authors of IDEA must feel the same way as with each reauthorization of code since 1975, parents and school districts have been asked to work more collaboratively in the development of IEPs (Smith, 2005). Therefore, to help reduce due process, improvements in communication, collaboration, and knowledge of State and Federal Special Education law and code are essential.

Figure 10

Word Cloud of Ways To Improve Practice



Research Question 3

How can leaders work with parents more effectively to benefit students?

According to the New Jersey Administrative Code 6A:14, every school district in the State that receives IDEA funding must have a Special Education Parent Advisory Group (SEPAG). The group typically meets once a month and consists of a combination of school personnel and parents of students with special needs. The group’s purpose is to provide the district with input concerning students with disabilities (NJAC 6A:14). IDEA

and civil rights laws call for parents to be more involved in planning for the educational needs of their children (Feinsburg et al., 2002). Special education administrators/leaders could use SEPAG to work with parents more effectively to benefit students.

To further address research question three, I focused on the results from the first part of survey question number four. The question asked participants how they felt about the parent-school district relationship “before” litigation. The majority of administrators (90%) said it was “fair.” The majority of parent responses fell between “good” (40%) and “fair” (40%) Figures 11 and 12 illustrate responses to the first portion of survey question four. Based on an analysis of participant responses, special education administrators should make concerted efforts to improve their relationship with parents by building trust. Administrators could use (monthly) SEPAG meetings to foster consistent communication and collaboration, which could help build better trust for students with disabilities.

Figure 11

Administrator's Assessment of the Parent-School Relationship Before Litigation

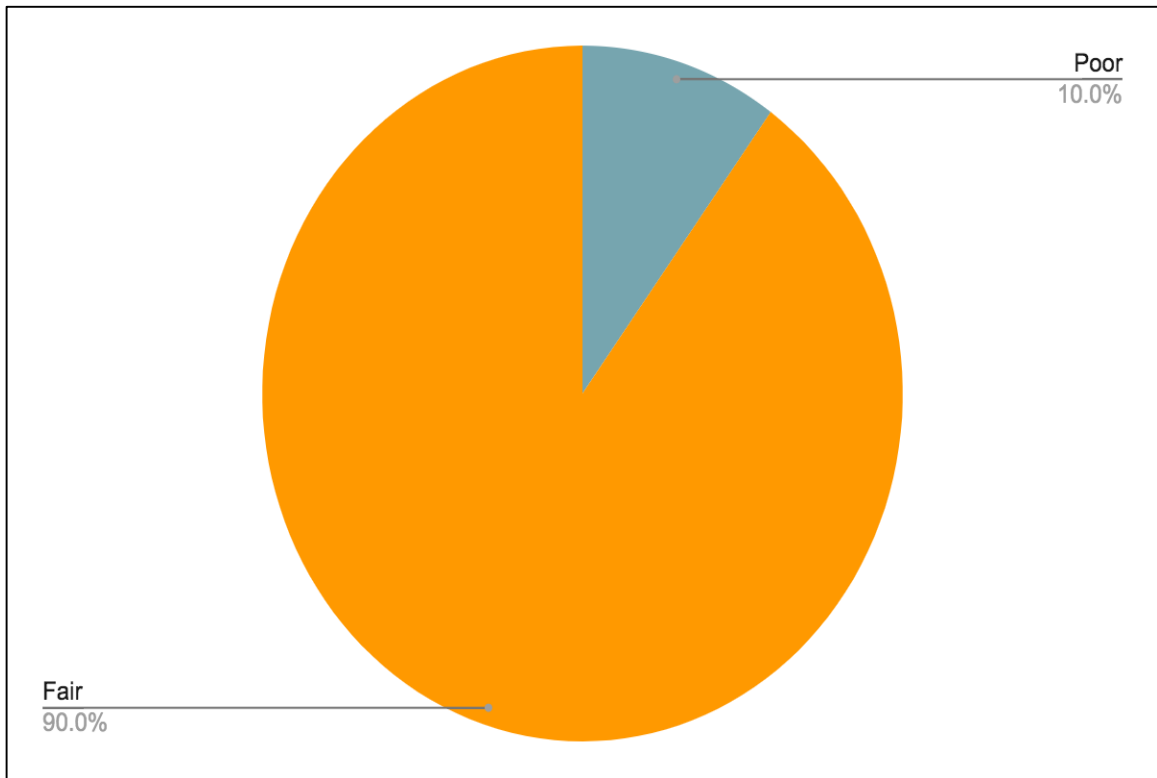
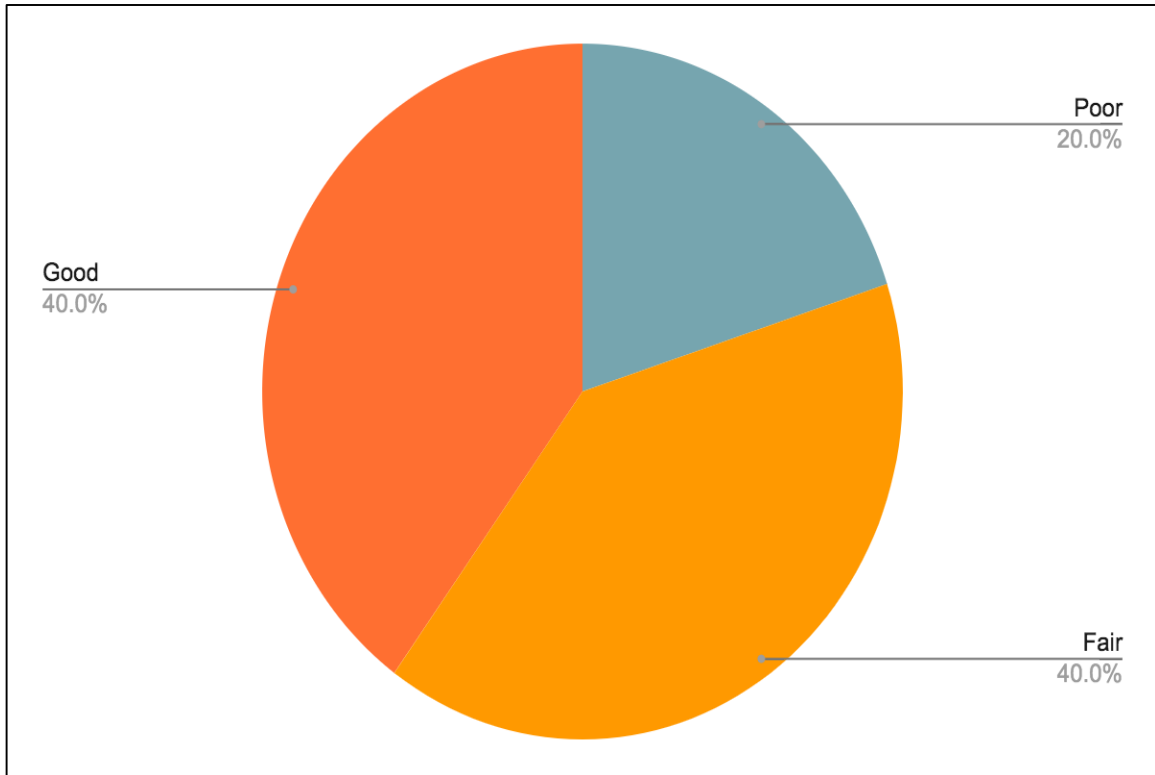


Figure 12

Parent's Assessment of the Parent-School Relationship Before Litigation



According to Fish, 2008, parents are at a disadvantage, compared to district personnel, when it comes to IDEA knowledge. Furthermore, finding from my document analysis revealed that more than half (51%) of due process cases were denied; parents filed 98% of those cases. From the survey results, one parent said, *“there needs to be better enforcement of the code so that parents won’t be forced into conflict resolution.”* One administrator said, *“Districts must be able to provide data that prove their perspective.”* Another administrator said: *“Have a parent survey (in) which the parents can speak to the needs of the SPED program. Parent training, IEP training for CST Gen Ed and Sped Ed teachers taking accountability for student learning”*. The

survey results suggested training (on IDEA) would help decrease dispute resolutions. To that end, leaders could use monthly SEPAG meetings to review due process data. The meetings could also serve as training opportunities that address topics most relevant to the group.

Lastly, findings from my document analysis revealed that most due process complaints were associated with placement (39%) and program (35%). These findings indicate, to a degree, that parents are not satisfied with the special education programming offered in their district. Leaders could use monthly SEPAG meetings to discuss concerns and ideas for program development and refinement. This type of dialogue would help foster additional opportunities for parents to participate in the decision-making process for their children meaningfully (Yell et al., (2009).

Discussion

Upon reflection of my research's document analysis and survey results, I identified four key takeaways worth noting in this section, which will help guide my practice as an educational leader.

First, I found that parents file for due process at a disproportionately higher rate than school districts. They also prevail at a disproportionately lower rate than school districts. These findings align with a similar research project conducted by Zirkel and Gischlar (2009) that concluded New Jersey is a litigious state. Parents' lower level of prevalence in due process proceedings and the time and cost associated with litigation could lead to trust and anger (Getty & Summary, 2004). Based on those mentioned above, I was not surprised when I read one comment from a parent relevant to the survey

question about “ways to improve collaboration.” The parent said: *“Schools are not interested in collaboration because it sets a precedent. It is easier and cheaper for them to attempt to bankrupt, or financially bully a family.”* School districts must be cognizant of the parent-school perception and relationship to support positive collaboration for the benefit of students.

Second, survey results revealed that parents and administrators agree that lesser means of dispute resolution should be explored first. Both parties also agree increased communication and training/education about special education law could help them collaborate better. This finding aligns with Katsiyannis and Herbst (2004), who said a lack of education about IDEA is likely why special education is the most litigated area of education. One administrator’s response to the question about “ways to improve collaboration” was as follows: *“The focus must be on keeping the lines of communication open. When disputes arise, all efforts must be made to resolve them at the district level, if not, strongly encourage the parent to participate in mediation.”* One parent responded to the same question: *“It would be helpful to speak more frequently.”* These findings align with Zirkel’s (2007) assertion that open communication between the parent and LEA is beneficial, especially for the student.

Third, survey results revealed a disconnection between how parents and administrators viewed their relationship with each other before and after litigation. The majority of administrators felt the parent-school relationship improved after litigation. In contrast, the majority of parents felt the parent-school relationship declined. On the open-ended question about “ways to improve collaboration,” one administrator said, *“parents want what they want and at times are unwilling to collaborate.”* A parent responded as

follows to the same questions: *“Schools do what they can to not provide services, and parents are often going to due process because the district refuses to meet the reasonable needs of a child.”* It is hard to collaborate and come to amicable agreements if parties have misperceptions and negative views of each other. Additionally, there is potential for social justice concerns related to equal access and a leveled playing ground if parents feel their voices do not matter to make special education decisions.

Last, my findings revealed that the majority of due process cases were either denied or dismissed. Although judicial outcomes were reached in these cases, that does not mean the initial concerns raised were addressed. IDEA calls for parents and school districts to work collaboratively (IDEA, 2004). Based on my findings, districts must take a proactive role in addressing parents’ concerns, whether or not they prevail in due process hearings. A dismissal of parent concerns (formal or informally raised) could be perceived as a social justice concern related to equal access. If parents are at a disadvantage in due process proceedings because they are not well versed in special education law, do not have the means or foresight to access legal representation, and do not know how to navigate responses, school districts should obligate themselves to level the playing field as a means of reform.

Limitations and Delimitations

I believe the goal of this research project was fulfilled as the analysis was accurate, and the methodology was sound. However, I identified a few limitations and delimitations that are important to note.

By design, my research only reflected due process in New Jersey and did not necessarily represent what may result in due process finding in other states. Also, although I used two sources (Rutgers Law and NJDOE) to obtain due process case information, there is no guarantee I obtained all adjudicated cases in New Jersey between July 2005 and June 2012. Third, the time frame used for the analysis is dated as most of these cases were adjudicated more than ten years ago.

A total of 10 people completed the survey I created. The sample size of survey participants could have been more significant to better support the reliability and generalizability of data. Lastly, although the survey consisted of nine questions, only two were open-ended. The open-ended questions offered rich detail and feedback about participants' experience with due process. Additional narrative feedback from survey participants could have made outcomes and recommendations more compelling.

As an educational leader, my goal was to produce a product that could be used to help schools and parents work more collaboratively for the benefit of students with special needs. I believe I did that; however, despite the outcomes outlined in this study, school personnel and parents may still forgo attempts to pursue lesser, non-legal means of dispute resolution in favor of formal litigation as it remains a personal choice regardless of the data.

Implications for Leadership, Practice, and Change

I am a transformational leader who believes values strengthen leadership (Burns, 2003). I believe it is my responsibility to work collaboratively with school personnel and parents to identify barriers to social justice concerns and mobilize efforts to improve

positive outcomes for students. In my tenure as an administrator, I addressed this endeavor by fostering ongoing improvements in communication and collaboration. As a result of this research study, I plan to expand on that.

One way to address the issues uncovered by this study is to use John Kotter's (1996) Eight Step Change Model. The Eight Step Change Process (1996) includes: creating a sense of urgency, forming powerful guiding coalitions, developing a vision and strategy, communicating the vision, removing obstacles, creating short-term wins, consolidating gains, and anchoring change into culture. This process could be implemented in any school district in New Jersey to address social issues derived from Special Education due process.

IDEA calls for parents and districts to work as an educational team (Mueller, 2009). The first step in Kotter's (1996) model is to create urgency, and I plan to share information from this study with school personnel and parents. This step will help to generate "buy-in" to support improved practice. I also plan to publish my findings in hopes of gaining national attention to support social justice reform. The goal is to generate interest and "urgency" that could help to inform the next reauthorization of NJAC 6A:14 and IDEA.

To form a powerful guiding coalition, the second step in Kotter's (1996) model, both school personnel and parents should be involved in conversations about change. Potential litigants need to understand the detriment of lost instruction time because due process can be drawn out (Vitello, 1990). To accomplish this goal, I plan to use the Special Education Parent Advisory Group (SEPAG) to establish district and

parent stakeholders committed to working collaboratively to identify and improve practices that will optimize and improve positive outcomes for students. As one example, the SEPAG would conduct an annual review of local and State due process cases and discuss ways to improve the district's practice to avoid potential legal pitfalls. If parents and educators are unaware of the Rutgers Law website, which houses due process case outcomes, I will introduce it.

To develop a vision, the third step in Kotter's change model (1996), stakeholders must understand the benefits of resolving disputes before exploring due process. The code requires school districts to annually offer parents a copy of NJAC 6A:14 and the Parental Rights In Special Education (PRISE). I plan to move further by offering annual training for parents and staff about the code. Based on the results of this study, training topics should focus on: helping participants better understand due process, mediation/dispute resolution, and data (e.g., evaluations) used to inform placement and program decisions. Surveys will be used to solicit additional training topic ideas. The goal is to help stakeholders develop strategies to increase collaboration and better communication between staff and parents.

The fourth stage in Kotter's model (1996) is communicating the vision. A vision and mission statement for the SEPAG will be established to help guide our efforts to proactively support collaborative work between parents and school staff personnel. We will share this information on the district website and at Board and staff meetings. Stakeholders will have opportunities to facilitate presentations to inform the greater school community about our shared vision and commitment to collaborative work for the benefit of students. Since the SEPAG meets monthly, due process will remain a standard

item on the agenda to help ensure we identify and remove obstacles, Kotter's step five (1996), that might hinder our progress and goals.

It will be essential to create short-term wins, step six, and consolidate gains, step seven, by assessing our progress (Kotter, 1996). Steps six and seven could be accomplished by developing a climate survey that parents and staff could complete annually or more frequently if necessary. We could share successes at Board meetings, on the district website, and at staff meetings. This information and transparency will help generate additional "buy-in" from constituents and ignite enthusiasm and commitment to our mission and vision.

The best way to anchor change to school culture, the last step in Kotter's model (1996), is to incorporate the aforementioned into district standard practice. School personnel and parents need to trust and understand that climate surveys, training, and monthly SEPA meetings will remain a staple in the district's fabric as its commitment to collaborative practice to help optimize positive outcomes for students with special needs.

As an educational leader, it is my goal to show parents and staff we have a common goal, supporting positive outcomes for students. As a transformational leader, I believe it is my job to ensure all parties have the relevant information needed to make decisions on behalf of students. It is also my charge to identify and address any gaps or barriers to progress on behalf of students. Kotter's change model (1996) can be used to support my endeavors and beliefs associated with educational leadership.

Rock and Bateman (2009) raised concern about parents having adequate knowledge of special education law and access to legal resources to support dispute resolution. Based on my findings, it can be concluded that due process in New Jersey has social justice implications as parents fare better in front of ALJ's when an attorney or advocate represents them. Pertinent to my advocacy/participant philosophical view of special education, reform and improvements to special education due process are necessary to address these inequities.

One way to address special education due process, through a lens of social justice reform, would be for me to publish the results of this research project. Publication would help broaden awareness of the issue as well as possible solutions. The publication of the research project might also lead to further research and avenues for reform for special education due process within and beyond New Jersey.

Another way I could bring awareness and change to the social justice issues related to special education due process would be for me to share this research project with my professional colleagues. As outlined in the chapter, Kotter's change model (1996) could be implemented by other educational leaders to effect change in their school districts. There are 21 counties in New Jersey, and each one has a special education administrators group overseen by a special education specialist. The group provides a platform for special education administrators and county specialists to meet and discuss compliance and needs. I intend to share the findings and ideas for reform with the county group for which I am a member.

Lastly, to broaden awareness of special education due process as a social justice concern, it would benefit students, families, and educators if I share my findings with educators beyond the county for which I work. As previously stated, there are 21 counties. I intend to reach out to the county special education specialists from each of the 20 other counties in New Jersey and offer to present my finding at one of their special education administrator meetings. Also, through my county special education specialist, I will offer to speak at a County Superintendent’s Round table meeting. County-wide awareness would be an optimal opportunity for widespread reform and change within and beyond New Jersey. Table 12 illustrates how I plan to use Kotter’s (1996) change model in my school district, which is a summary of the aforementioned.

Table 12

Educational Leadership Change

| Stage 1 Review and Assess | Stage 2 Vision, Mission and Plan | Stage 5 and 6 Action | Stage 7 and 8 Culture Change |
|--|---|---------------------------------|---|
| Review: district due process data | SEPAG “dream team” | Implement, monitor and reassess | Anchor into regular practice: |
| Share: DP data and this research project | Discuss and develop a plan targeting: | | Monthly SEPAG meetings |
| | Better communication | | Data and needs assessments |
| | Training | | Annual public reporting of data |

Conclusion

My research focused on Special Education due process in New Jersey between 2005 and 2012. A qualitative case study design was used. By way of document analysis, I reviewed 187 due process outcomes. I also created a survey to understand better how former litigants describe their experience with due process. Ten people completed the survey.

Overall, I am pleased with this research project. The methodology I chose enabled me to answer my research questions. The literature I reviewed for this study helped me draw comparisons and similarities between my research and other studies. It also helped inform my practice as an educational leader, make suggestions for future research in this area and offer insight about due process as a social justice issue.

I have spent two decades as an educator in special education. I chose to study due process litigation because, in my experience, I had seen more substantial outcomes for students when educators and parents worked openly and collaboratively to plan for the needs of students. I believe the literature reviewed for this study and findings from my analysis will positively add to the strides parents, professionals, and lawmakers are making to meet the needs of classified students with a lens of collaboration, as dictated by IDEA.

My study identified common patterns in adjudicated cases. It also identified how former litigants felt about due process based on their personal experiences. The literature reviewed for this study and the findings and conclusions of my research could be used by educational leaders to improve communication and collaboration between parents and

school districts to avoid due process litigation as a means of dispute resolution. The data from this study could also be used to shed light on due process as a potential social justice concern and needed reform. Lastly, data from this study could be used, by lawmakers, to inform the next reauthorization of IDEA and NJAC 6A:14 as my findings and research revealed additional Federal guidance is necessary to help mitigate due process cases.

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Appendix A

Survey Questions

1. Were you listed as the parent/guardian or school district personnel in the case of due process?

- Parent/Guardian
- School district personnel

2. Who initiated due process?

- The parent/guardian
- The school district
- Other

3. Who prevailed in the case?

- The parent/guardian
- The School District
- Split decision
- Case Dismissed
- Other (please specify)

4. My assessment of the parent-school relationship:

excellent good fair somewhat poor poor

- Before due process
- After due process

5. Do you feel the parent-school relationship is "collaborative" as intended by IDEA and New Jersey Special Education Code 6A:14?

- Yes
- No
- Other (please specify)

6. Was mediation pursued before due process?

- Yes
- No

7. After your experience with due process, do you believe it is important for schools and parents to pursue lessor means of dispute resolution (e.g. mediation) first?

- Yes
- No
- Other (please specify)

8. What ways might schools and parents improve on collaborative practices in planning for the educational needs of students to help decrease reliance on due process as a means of dispute resolution?

9. What ways might school districts and parents problem solve (to help avoid litigation) if due process is FIRST verbalized as a means of dispute resolution?

Appendix B

Due Process Cases

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representati on |
|-------------------------|-------------------|--|-----------------------------|-----------------|---------------------------------------|
| EDS-7173-06 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | PARENT | GRANTED | ATTORNEY |
| EDS-6205-05 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-11780-05 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS12332-05 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-8666-05 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-10048-05 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-00166-06 | PARENT | PLACEMENT DISPUTE | RESOLVED BEFORE COURT | DISMISSED | ATTORNEY |
| EDS-1336-2006 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | DISTRICT | DISMISSED | ATTORNEY |
| EDS12937-05 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-01834-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-3039-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ADVOCATE |
| EDS-2452-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-5122-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-3969-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-2470-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representation |
|---------------------|-------------------|---------------------|-------------------------|----------------------|------------------------------|
| EDS-4075-06 | DISTRICT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-4388-06 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-4422-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED - AJOURNED | PRO SE |
| EDS-7488-06 | PARENT | EVALUATIONS DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-4728-06 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-7551-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-7644-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-4860-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-4037-06 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-07645-06 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-6203-06 | PARENT | EVALUATIONS DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-6305-06 | PARENT | PROGRAM DISPUTE | PARENT | DISMISSED | ATTORNEY |
| EDS-7943 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | ATTORNEY |
| EDS-9573-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-9651-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-10705-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-9874-06 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-6633-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-6265-06 | DISTRICT | PROGRAM DISPUTE | DISTRICT | GRANTED | PRO SE |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representation |
|---------------------|-------------------|--|-------------------------|-----------------|------------------------------|
| EDS-6450-06 | DISTRICT | EVALUATIONS DISPUTE | PARENT | DENIED | ATTORNEY |
| EDS-9419-06 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-6459-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-10208-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-9728-06 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-8157-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-8628-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-8360-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-10762-06 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-11022-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-8122-06 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | PARENT | AFFIRMED | ATTORNEY |
| EDS-8703-06 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-8854-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-11295-06 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-12189-06 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-2378-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-11423-06 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ADVOCATE |
| EDS-11872-06 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-1245-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representation |
|---------------------|-------------------|------------------------|-------------------------|-----------------|------------------------------|
| EDS-12056-06 | DISTRICT | PLACEMENT DISPUTE | DISTRICT | GRANTED | ATTORNEY |
| EDS-595-07 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | ATTORNEY |
| EDS-2050-07 | PARENT | PLACEMENT DISPUTE | BOTH | SPLIT | PRO SE |
| EDS-2377-07 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-677-07 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-2563-07 | PARENT | COMPENSATORY EDUCATION | DISTRICT | DISMISSED | PRO SE |
| EDS-3800-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-3875-07 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-295-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-4923-07 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-6093-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-6365-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-07465-07 | PARENT | MEDIATION | DISTRICT | DENIED | PRO SE |
| EDS-6525-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-7800-07 | PARENT | COMPENSATORY EDUCATION | DISTRICT | DENIED | ATTORNEY |
| EDS-698-07 | PARENT | COMPENSATORY EDUCATION | PARENT | GRANTED | ATTORNEY |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representation |
|---------------------|-------------------|--|-------------------------|-----------------------|------------------------------|
| EDS-8569-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-9573-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-8431-07 | PARENT | REQUEST FOR IMMEDIATE OAL TRANSMISSION | DISTRICT | DENIED | ATTORNEY |
| EDS-11193-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-6976-07 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | PARENT | GRANTED | PRO SE |
| EDS-5183-08 | PARENT | CLASSIFICATION DISPUTE | BOTH | DISMISSED - WITHDRAWN | PRO SE |
| EDS-6752-07 | PARENT | PROGRAM DISPUTE | PARENT | AFFIRMED | ATTORNEY |
| EDS-6799-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS11605-07 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-10364-07 | PARENT | PROGRAM DISPUTE | PARENT | SPLIT | ATTORNEY |
| EDS12493-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-00032-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-11838-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-2021-08 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-3385-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-3331-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representation |
|---------------------|-------------------|------------------------|-------------------------|-----------------|------------------------------|
| EDS-315-08 | PARENT | PROGRAM DISPUTE | PARENT | AFFIRMED | ATTORNEY |
| EDS-10522-07 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-66-08 | DISTRICT | PROGRAM DISPUTE | DISTRICT | AFFIRMED | PRO SE |
| EDS-470-08 | PARENT | PROGRAM DISPUTE | RESOLVED BEFORE COURT | DISMISSED | PRO SE |
| EDS-729-08 | PARENT | EVALUATIONS DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-903-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-3056-08 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-1911-08 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | ATTORNEY |
| EDS-3941-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-3783-08 | PARENT | EVALUATIONS DISPUTE | PARENT | GRANTED | PRO SE |
| EDS-3836-08 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | PRO SE |
| EDS-2063-08 | PARENT | PROGRAM DISPUTE | PARENT | AFFIRMED | ATTORNEY |
| EDS-3508-08 | DISTRICT | PLACEMENT DISPUTE | PARENT | DISMISSED | ATTORNEY |
| EDS-2200-08 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-2619-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-5369-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-2618-08 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-4110-08 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | ATTORNEY |

| OAL Docket # | Petitioner | Complaint | Prevailing Party | Decision | Parent Representati on |
|-------------------------|-------------------|--|-----------------------------|----------------------|---------------------------------------|
| EDS-4239-08 | PARENT | PROGRAM DISPUTE | BOTH | DISMISSED - AJOURNED | PRO SE |
| EDS-9141-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-4543-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-4793-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-4588-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-11142-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-4902-08 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-4589-08 | DISTRICT | PROGRAM DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-8074-08 | PARENT | MEDIATION | PARENT | GRANTED | ATTORNEY |
| EDS-8789-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-9036-08 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | DISTRICT | DENIED | PRO SE |
| EDS-7551-08 | DISTRICT | PROGRAM DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-8905-08 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-8663-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-9429-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-8326-08 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS13813-08 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS12533-08 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | ADVOCATE |

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| EDS12465-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-10342-08 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-10680-08 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | BOTH | DISMISSED | PRO SE |
| EDS-5864-09 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-10266-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | AFFIRMED | PRO SE |
| EDS12730-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-11958-08 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS01768-09 | PARENT | COMPENSATORY EDUCATION | DISTRICT | DENIED | ATTORNEY |
| EDS12339-08 | PARENT | REVERSE EXCLUSION | DISTRICT | DISMISSED | PRO SE |
| EDS12464-08 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS1520-09 | PARENT | COMPENSATORY EDUCATION | DISTRICT | DISMISSED | PRO SE |
| EDS-5449-09 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | PRO SE |
| EDS7554-09 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS7100-09 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ADVOCATE |
| EDS-8125-09 | PARENT | COMPENSATORY EDUCATION | PARENT | GRANTED | ATTORNEY |
| EDS-7397-09 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |

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| EDS-4995-09 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | AFFIRMED | PRO SE |
| EDS-8628-09 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-9260-09 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-10392-09 | PARENT | PLACEMENT DISPUTE | BOTH | SPLIT | ATTORNEY |
| EDS-10263-09 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-11557-09 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | PRO SE |
| EDS-11646-09 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS14008-09 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-11680-09 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS14043-09 | PARENT | PROGRAM DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-50-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS32-10 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-01754-10 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-1887-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-448-10 | PARENT | EVALUATIONS DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS293-10 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-3855-10 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-7823-10 | DISTRICT | CLASSIFICATION DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-4682-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |

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| EDS-6708-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-7974-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-8008-10 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | DISTRICT | DENIED | ATTORNEY |
| EDS-8862-09 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-8460-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-1237-10 | PARENT | PROGRAM DISPUTE | BOTH | SPLIT | PRO SE |
| EDS-11389-10 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS13314-10 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-10900-10 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS13028-10 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-13212-10 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | BOTH | SPLIT | ATTORNEY |
| EDS13889-10 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-42-11 | PARENT | EVALUATIONS DISPUTE | RESOLVED BEFORE COURT | DISMISSED | PRO SE |
| EDS-00042-11 | PARENT | EVALUATIONS DISPUTE | RESOLVED BEFORE COURT | DISMISSED | PRO SE |
| EDS-440-11 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-1080-11 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |

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| EDS-444-11 | DISTRICT | PROGRAM DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS2895-11 | PARENT | PROGRAM DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-6016-11 | PARENT | CLASSIFICATION DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-9623-11 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | PRO SE |
| EDS-933-11 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-09824-11 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | DISTRICT | DISMISSED | PRO SE |
| EDS-10160-11 | PARENT | REIMBURSEMENT FOR OUT OF POCKET EXPENSES | PARENT | GRANTED | ATTORNEY |
| EDS11709-11 | PARENT | PLACEMENT DISPUTE | PARENT | GRANTED | ATTORNEY |
| EDS-12382-11 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-14907-11 | PARENT | PLACEMENT DISPUTE | DISTRICT | DENIED | ATTORNEY |
| EDS-18-12 | PARENT | PLACEMENT DISPUTE | DISTRICT | AFFIRMED | PRO SE |
| EDS-00018-12 | PARENT | PLACEMENT DISPUTE | DISTRICT | DISMISSED | PRO SE |
| EDS-605-12 | PARENT | EVALUATIONS DISPUTE | DISTRICT | DISMISSED | ATTORNEY |
| EDS-679-12 | DISTRICT | EVALUATIONS DISPUTE | DISTRICT | GRANTED | PRO SE |
| EDS-4721-12 | PARENT | PROGRAM DISPUTE | DISTRICT | DENIED | ATTORNEY |