

## PRELIMINARY SUMMARY OF DISPUTE RESOLUTION SURVEY RESULTS

Natalie Jones & Perry A. Zirkel\*  
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In early September, we surveyed the 51 state education agencies (SEAs), including the District of Columbia, as to the extent of dispute resolution activity arising from COVID-19 for students with disabilities. More specifically, the structured questionnaire asked for the number of (a) filings and (b) decisions for (1) due process hearings and (2) written state complaints per primary COVID-19 issue as of August 31, 2020. We received complete or, for a few states, partial responses from 47 (92%) of the SEAs. The following chart represents the summary of responses. We plan to prepare a more detailed follow up report.

Primary Issue	Due Process Hearings		Written State Complaints	
	Filings	Decisions	Filings	Decisions
FAPE-Procedural: <i>evaluation timeline</i>	12	1	10	6
FAPE-Procedural: <i>IEP meetings/review</i>	15	0	7	3
FAPE-Procedural: <i>prior written notice</i>	1	0	3	6
FAPE-Procedural: <i>other</i>	13	0	10	7
FAPE-Substantive: <i>Andrew F.</i>	38	1	13	13
FAPE-Implementation	144	3	104	52
Miscellaneous Other	84	4	4	2
<b>TOTAL NO. FOR EACH COLUMN<sup>†</sup></b>	<b>432</b>	<b>11</b>	<b>230</b>	<b>207</b>

- The predominant issue for due process hearings (DPHs) and written state complaints (WSCs) was an alleged failure to implement the IEP or its distance alternative. The other issue categories have been subject rather limited activity thus far.
- Although DPH filings are almost double those for WSC, the proportion of decisions for WSC (59%) thus far exceeds the proportion for DPHs (3%), likely due to their different procedures and timelines.
- As will be revealed in the subsequent, more detailed report, the states with the highest activity levels were in descending order as follows:
  - DPHs: New York, New Jersey, Texas, and Washington & Pennsylvania (tie)
  - WSCs: Massachusetts, Washington, Texas, and Michigan
- In some states, the nationwide lawsuit in *J.T. v. de Blasio* contributed, at least temporarily, to the number of DPH filings.

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\* Natalie Jones is an attorney in the due process unit of the special education bureau at the Connecticut State Department of Education. Perry A. Zirkel is university professor emeritus at Lehigh University who shares his work at his website [perryzirkel.com](http://perryzirkel.com).

<sup>†</sup> These bottom-line totals includes not only the row-by-row numbers but also the numbers from two high-activity states (Massachusetts and New York) that provided only the totals for their filings and decisions.