

## Chapter Four. Results

### Introduction

This chapter presents the results of the document review, structured interview and focus group discussions in four sections. Section one presents student demographics gathered through the document review and structured telephone interview. Section one also describes the children who were the subjects of the parental requests for due process. Family demographics gathered through the document review and structured interview is presented in section two and describes the families who had initiated hearings and complaints. Section three compares the hearing and complaint groups regarding several variables including outcome of their due process requests, representation, satisfaction, and household income. Section four discusses the perceptions of parents concerning the hearing and the complaint process. Differences between the hearing and the complaint groups are identified in all sections.

### Document Review and Structured Telephone Interview Results

Telephone interviews with 60 families who had filed requests for either a hearing (n = 31) or a complaint investigation (n = 29) were conducted using a structured interview format (Appendix B). The interviews were conducted on weekends and evenings prior to the focus group meetings. Each interview took approximately twenty minutes. Responses were recorded on a separate interview form for each interviewee. The interview responses were then coded and entered into a spreadsheet for later analysis. Appendix E is the coding format used for data entry.

The document review consisted of a review of the request for a hearing or complaint investigation, the decision or letter of withdrawal, and other documents maintained by the Maine Department of Education concerning the parent's due process request. The document review gathered information regarding the student's disability, parent and school representation, issues under dispute, outcome of the due process request, the date the request was filed and the date of

the decision. The data gathered through the document review was aggregated with the interview data into a spreadsheet to facilitate analysis and comparisons between groups.

### Student Demographics

This section reviews selected student demographics including age, gender, disability and the number of years enrolled in school prior to the due process request. The age of the students was investigated to determine if there were age differences between the hearing and the complaint groups at the time the due process request was filed with the Department of Education. Gender was considered in light of the predominance of males within the population of students identified as requiring special education. This variable was selected to determine if differences existed between the gender ratio in the special education population and the gender of the students for whom parents had initiated a hearing or complaint. This variable was also of interest to determine if differences existed in the gender of students whose parents initiate a hearing or a complaint.

The type of disability was of interest to determine if differences existed between types of disabilities identified within the state's special education population and the types of disabilities of students whose parents had initiated a hearing or a complaint. The identification of any differences which may exist between the types of disabilities identified statewide and those involved in due process may contribute to understanding some of the factors which contribute to the initiation of hearings or complaints.

The number of years enrolled in the school was investigated to determine the period that the public school had been involved in the child's education. This variable was investigated in response to the conventional wisdom (and testimony provided to Congress during the reauthorization of IDEA) that schools frequently are unaware of the students, their needs, and the family's concerns prior to the parent's filing of a due process request.

### Student Age

The mean age for the students involved in the hearing requests was 11.6 years with a median of 12.2, a range of 2.9 – 17.2 years and a standard deviation of 3.9. The mean age of the students involved in the complaint requests was 11.5 years with a median age of 11.6, a range of 2.4 – 16.9, and a standard deviation of 3.4 years. There is no significant difference between the age of students involved in the hearing or the complaint groups ( $t = 0.103$ ,  $df = 58$ ,  $p = 0.918$ ).

### Student Disability

Interviewees were asked to identify their child's disability. This information was combined with information available through the Maine Department of Education's due process database and records on file at the Maine Department of Education to determine which of the thirteen categorical disabilities identified within the current Individuals With Disabilities Education Act Regulations (34 C.F.R. 300.7) applied to the sample. The use of multiple sources of information was necessary since parents did not always use the thirteen categories to identify their child's disability nor did the Department's database always have information entered in this field. Table 7 presents the distribution of disabilities by due process type and by state identification rate (Maine Dept. of Ed., 1997).

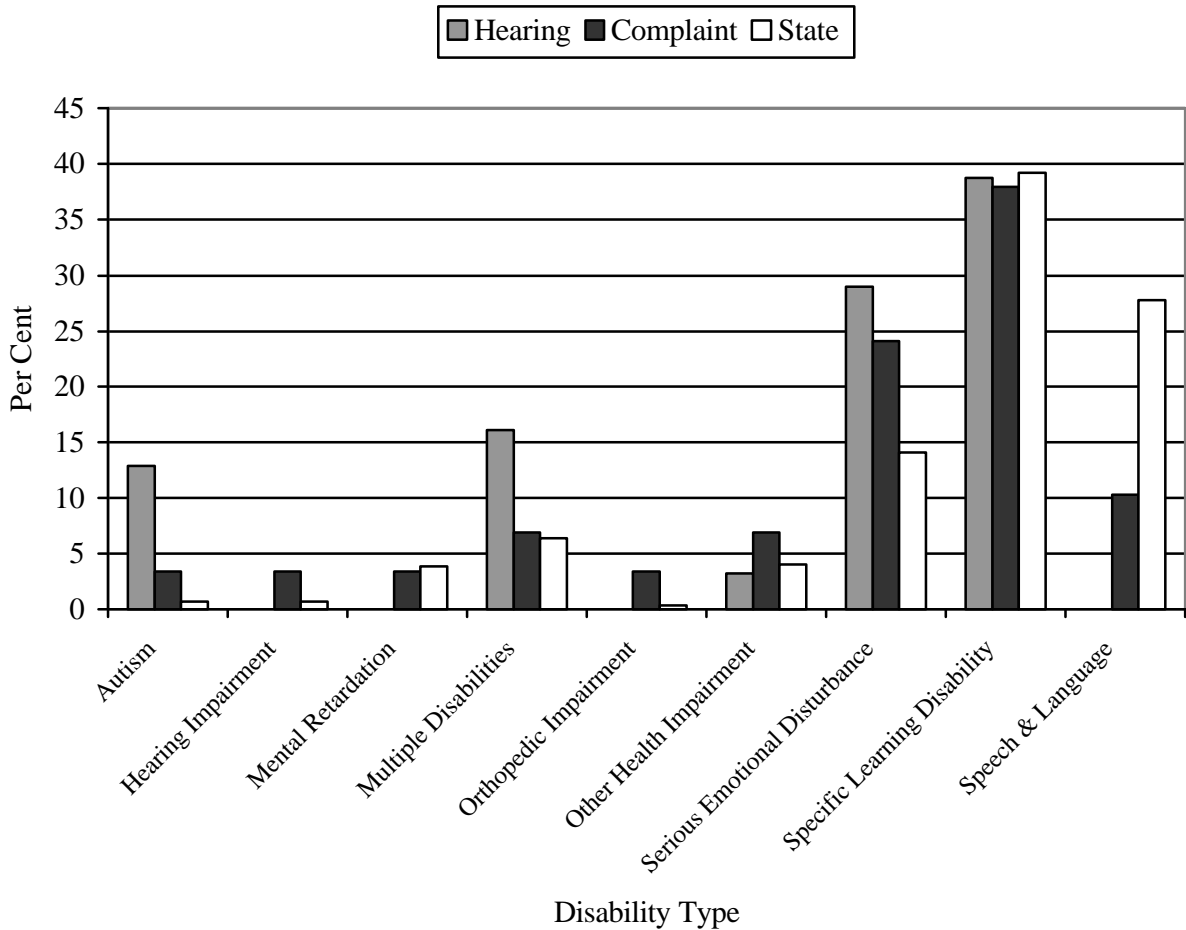
Table 7

Student's Disability by Due Process Type and State Identification Rate

Type of disability	Hearing		Complaint		Total		State <sup>1</sup>
	n	%	n	%	n	%	%
Autism	4	12.9	1	3.4	5	8.3	0.67
Deaf – Blindness	0	0	0	0	0	0	0.04
Deafness	0	0	0	0	0	0	0.28
Hearing Impairment	0	0	1	3.4	1	1.7	0.68
Mental Retardation	0	0	1	3.4	1	1.7	3.86
Multiple Disabilities	5	16.1	2	6.9	7	11.7	6.36
Orthopedic Impairment	0	0	1	3.4	1	1.7	0.34
Other Health Impaired	1	3.2	2	6.9	3	5.0	4.01
Serious Emotional Disturbance	9	29.0	7	24.1	16	26.7	14.08
Specific Learning Disability	12	38.7	11	37.9	23	38.3	39.17
Speech or Language Impairment	0	0	3	10.3	3	5.0	27.81
Traumatic Brain Injury	0	0	0	0	0	0	0.28
Visual Impairment	0	0	0	0	0	0	0.32

Note: Percents may not equal 100 due to rounding.

1. Data from Maine Department of Education 1996 – 97 childfind data. Total equals 97.9, 2.1% of 3-5 population identified as developmentally delayed.



**Figure 3.** Percent of students by disability and due process type compared with state identification rate

Figure 3 presents the distribution of types of disabilities by due process type (hearing or complaint) compared with the state identification rate. While students with specific learning disabilities comprise the largest single group within the population of students with disabilities (39.17%), the percent of hearings (38.7%) and complaints (37.9%) is not markedly different from the prevalence rate.

Student's Gender

Seventy percent of the students in the interview sample were male and thirty percent were female. Table 8 summarizes the gender of the students in the hearing and complaint groups and compares the gender of the students involved in due process with state's rate for all identified special education students. There is no significant difference in the gender of the students by type of due process (*chi-square* = 0.156, *df* = 1, *p* = 0.693). There is no significant difference between the gender of students involved in due process and the state identification rate for all special education students.

Table 8

Gender Of Student By Type Of Due Process

Gender	Hearing		Complaint		Total		State
	n	%	n	%	n	%	%
Male	21	67.7	21	72.4	42	70.0	69.7
Female	10	32.3	8	27.6	18	30.0	30.3

Years Enrolled

Students who were the subjects in the hearing requests averaged 4.3 years enrollment in their current school prior to the filing of the request for a hearing. The hearing group median was 4.0 years, the range was 0.6 – 12 years and the standard deviation was 3.4 years. The students who were the subjects of the complaint requests averaged 4.6 years in their current school prior to the filing of the request for a complaint investigation. The complaint group median was 3.5 years, the range was 0.5 – 9.0 years, and the standard deviation was 2.7 years. There was no significant difference between the hearing and the complaint group and the number of years the students had been enrolled in their school prior to their due process request (*t* = -0.32, *df* = 51, *p* = 0.750).

### Family Demographics

This section reviews selected demographics of each family involved in the study including marital status, number of children in the home, parental employment, parental education, years of residence in the community and annual household income. The marital status was investigated to determine if there were differences between groups. This variable was studied to determine if there were more single parent homes in one group than the other. A single parent home would be expected to have less available financial resources and support while experiencing more stress in raising a child with a disability.

The number of children in the home was of interest to determine if the child who was the subject of the due process had siblings. Siblings compete for parental attention, contribute to parent concerns with respect to the provision of comparable services and normalization, contribute to family stress, and limit available resources.

Parental education, employment and annual income contribute to the availability of the family's financial resources and expectations for their children. It is hypothesized that families with greater financial resources would tend to initiate hearings while families with less financial resources would tend to initiate complaints.

The years of residence within the community was investigated to determine if the family had any long-term ties to or identification with the community. It is hypothesized that a family may be more willing to challenge a school's decision if they had recently moved into the community, particularly if they had relocated from another state with differing standards for the provision of special services. Conversely, a family with longer relationships with a community may be reluctant to challenge a school's decision and force the community to incur the costs of a hearing.

Marital Status

No significant difference was found between the marital status of the hearing group and the complaint group. An equal majority of interviewees who filed complaints and those who files hearings were married ( $n = 20$ ). Eleven (35.5%) of the hearing interviews were divorced (6), widowed (2) or single (3) while 9 (31%) of the complaint interviewees were divorced. Table 9 provides a breakout of the count and percentages of each group.

Table 9

Marital Status and Due Process Type

Marital Status	Hearing n= 31		Complaint n = 29		Total n = 60	
	n	%	n	%	n	%
Married	20	64.5	20	69	40	66.7
Divorced	6	19.4	9	31.0	15	25.0
Widowed	2	6.5	0	0	2	3.3
Single	3	9.7	0	0	3	5.0

Note: percentages exceed 100 due to rounding

Children Per Family

There was an average of 2.33 children per family within both the hearing and the complaint groups. The hearing group averaged 2.35 children while the complaint group averaged 2.31 children per family. There was no significant difference between the number of children per family in the hearing group and the number of children per family in complaint group ( $t = 0.133$ ,  $df = 58$ ,  $p = 0.895$ ).



### Parental Employment

Of all the families interviewed, 91.3 % of the fathers and 68.3% of the mothers were employed at the time of their due process request. Of the families who had filed a hearing request, 24 of the fathers (96.0%) and 21 of the mothers (67.7%) were employed at the time of the hearing request while one father (4.0%) and 10 mothers (32.3%) were reported as being unemployed. 18 fathers (85.7%) and 20 mothers (69.0%) within the complaint group reported being employed while three fathers (14.3%) and nine mothers (31.0%) reported being unemployed. No significant difference was found between the hearing and complaint groups and parental employment. (Father's employment (*chi-square* = 1.521, *df* = 1, *p* = 0.217). Mother's employment (*chi-square* = 0.010, *df* = 1, *p* = 0.919). Table 10 summarizes the distribution of parent employment by type of due process.

Table 10

### Parent Employment by Type of Due Process

		Hearing		Complaint		Total	
		n	%	n	%	n	%
Father	Employed	24	96.0	18	85.7	42	91.3
	Not Employed	1	4.0	3	14.3	4	8.7
Mother	Employed	21	67.7	20	69.0	41	68.3
	Not Employed	10	32.3	9	31.0	19	31.7

### Father's Education

Twenty-six fathers (56.5%) had some post-secondary education while 20 (43.5%) had completed high school or less. There is a significant difference between the education attainment and number of years of education of fathers within the hearing group and of fathers within the complaint group (*chi-square* = 12.077, 5 *df*, *p* = 0.034), (*t* = 2.33, *df* = 44, *p* = 0.024). Note that the *n* for fathers is equal to 46. The fourteen missing cases are the result of 2 refusals to respond to the question (both in the complaint group) and 12 single parent homes (six hearing and six complaint group). Table 11 summarizes the education of the fathers in each group.

Table 11

### Father's Education by Hearing and Complaint Group

Education	Hearing n = 25		Complaint n = 21		Total n = 46	
	n	%	n	%	n	%
Less than high school	1	4.0	2	9.5	3	6.5
G.E.D	0	0	1	4.8	1	2.2
High School	8	32.0	8	38.1	16	34.8
Vocational / Trade School	0	0	4	19.0	4	8.7
College	10	40.0	6	28.6	16	34.8
Graduate School	6	24.0	0	0	6	13.0

Mother's Education

Seventeen (28.3%) of the mothers had a high school education or less while forty-three (71.7%) of the mothers had some post-secondary education. Table 12 summarizes the education of the mothers in each group. There was no significant difference between the education attainment or the number of years of education of mothers within the hearing group and those within the complaint group (*chi-square* = 9.395, 5 *df*, *p* = 0.094), (*t* = 1.65, *df* = 58, *p* = 0.104).

Table 12

Mother's Education By Hearing And Complaint Group

Education	Hearing		Complaint		Total	
	n	%	n	%	n	%
Less than high school	1	3.2	3	10.3	4	6.7
G.E.D	2	6.5	0	0	2	3.3
High School	4	12.9	7	24.1	11	18.3
Vocational / trade School	3	9.7	5	17.2	8	13.3
College	16	51.6	14	48.3	30	50
Graduate School	5	16.1	0	0	5	8.3

### Post-Secondary Education

Table 13 summarizes the post-secondary degrees awarded to fathers and mothers within the hearing and the complaint groups. While the numbers for each group are too small for meaningful analysis, the post-secondary degrees awarded to fathers is similarly skewed between the hearing and complaint groups as was the education of fathers. Ten fathers (21.7% of all fathers) within the hearing group had completed an associate, bachelors or graduate degree while three fathers (6.5%) within the complaint group reported having a bachelors degree. Eighteen mothers in the hearing group (30% of all mothers) had received an associate, bachelors or graduate degree, and twelve (20%) of the mothers in the complaint group had either an associates or a bachelors degree.

Table 13

#### Parent's Post-Secondary Degree by Type of Due Process

Parent	Degree	Hearing	Complaint	Total
Father	Associate Degree	3	0	3
	Bachelor Degree	3	3	6
	Graduate Degree	4	0	4
Mother	Associate Degree	4	2	6
	Bachelor Degree	10	10	20
	Graduate Degree	4	0	4

### Years in Residence

Interviewees were asked how many years they had resided in their community prior to filing their request for a hearing or complaint. Parents who had filed a hearing request reported having resided in the community an average of 14.4 years, (median = 10.5 years, range 1- 45 years). Parents who filed a complaint investigation request averaged 11.5 years of residence in

their community (median 10.0 years, range 1 – 25 years). There is no significant difference between the number of years the members of each group have resided within their community ( $t = 1.212$ ,  $df = 57$ ,  $p = 0.231$ ).

#### Annual Income

Interviewees were asked to identify their approximate annual household income in tens of thousands of dollars. Three interviewees declined to respond to the question (one in the hearing group and two in the complaint group). The annual household income of parents who filed a hearing is significantly different from the annual household income reported by parents who filed a complaint (equal variances not assumed,  $t = 2.911$ ,  $df = 52.485$ ,  $p = 0.005$ ). The mean income reported by the hearing group families was \$36,700 ( $s.d. = 2.28$ ) while the mean income reported by the complaint families was \$21,500 ( $s.d. = 1.63$ ).

Figure 4 presents a graphic representation of the distribution of reported household income by parents in the hearing and the complaint groups.

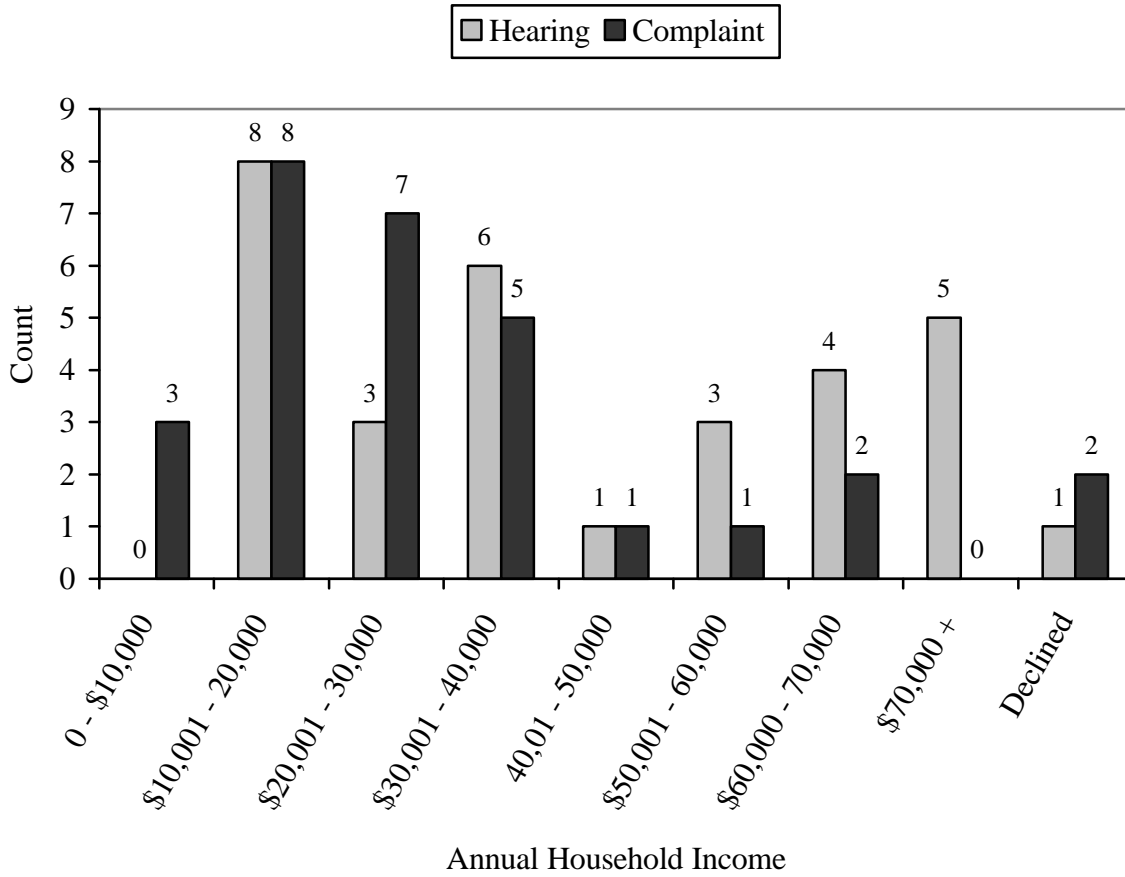


Figure 4. Annual Household Income by Type of Due Process

Parental Ability to Participate in School Activities

Father's Ability To Take Time Off From Work

Interviewees were asked if the fathers could take time off from work to attend their child's IEP meeting. Respondents were grouped into three subgroups. The *Unable* group was unable to take time off. The *At Cost* group was able to take time off from work by using vacation, sick leave, comp time or time off without pay. The *No Cost* group was able to take time off from work with pay, were self-employed or unemployed. Table 14 summarizes the ability of fathers to take time off from work to attend their child's IEP team meetings. There was no significant difference between the ability of fathers in the hearing group and fathers in the complaint group to take time off from work to attend their child's IEP meeting (*chi-square* = 3.23, *df* = 2, *p* = 0.199).

Table 14

Father's Ability to Take Time Off and Type of Due Process

Ability to take time off	Hearing n = 23		Complaint n = 20		Total n = 42	
	n	%	n	%	n	%
Unable	2	8.7	6	30.0	8	18.6
At Cost	11	47.8	7	35.0	18	41.9
No Cost	10	43.5	7	35.0	17	39.5

### Mother's Ability To Take Time Off

In contrast to the fathers where 18.6% were unable to take time off from work to attend their child's IEP team meetings, all mothers were either able to either take time off from work at cost or able to take time off at no cost. Table 15 summarizes mother's ability to take time off from work by type of due process. Comparing the hearing and complaint groups found no significant differences between mothers who were able to take time off at cost and those able to attend at no cost ( $chi-square = 3.734, df = 1, p = 0.053$ ).

Table 15

### Mother's Ability to Take Time Off and Type of Due Process

Ability to take time off	Hearing n = 31		Complaint n = 28		Total n = 42	
	n	%	n	%	n	%
Unable	0	0	0	0	0	0
At Cost	7	22.6	13	46.4	20	33.9
No Cost	24	77.4	15	53.6	39	66.1

### Participation In School Activities

Interviewees were asked about their participation in five different school activities (participation in IEP meetings, attending school events such as open house or sports, attending parent - teacher conferences, observing their child's class or volunteering in their child's classroom). Parents were asked to rate their participation using a five point Likert scale ranging from Never, to Rarely, Sometimes, Most of the time and Always. Five interviewees (four – hearing and one – complaint) were not able to respond to all questions because their child was placed in residential or private schools (n = 4) and one parent as prohibited from entering school grounds. Summing the responses to the five questions developed an aggregate score for parent



participation. There was no significant difference in parental participation between the hearing and the complaint group ( $t = -1.064$ ,  $df = 53$ ,  $p = 0.292$ ).

**Group Statistics**

	Due Process Type	N	Mean	Std. Deviation	Std. Error Mean
Parent participation in school activities	Hearing	27	17.63	3.91	.75
	Complaint	28	18.75	3.89	.74

### Due Process Information and Assistance

This section explores the information sources used by parents to become informed about the due process options available to them, the types of assistance available to parents, the types of disagreements that resulted in the due process requests, and parental reports of satisfaction with their due process request. Lastly, this section compared a number of relationships between variables including the type of due process and the due process outcome, parent or school representation and outcome, and parent or school representation and parent satisfaction.

The source of information regarding due process options was of interest to determine the involvement of advocacy agencies, the local school and the State Department of Education in informing parents of their due process rights. The types of assistance available to parents were investigated to determine if there was any relationship between the type of due process selected and the type of assistance available. The type of disagreement and the type of due process would identify if parents are using the two procedures equally or if one process is perceived as more effective with a particular type of dispute.

### How Parents Found Out About Their Due Process Options

Interviewees were asked how they found out about the hearing or complaint process. 27 (45.0%) of the interviewees indicated that they found out about the process through discussions with various advocacy agencies within the state. Five interviewees (8.3%) reported the statement of parental rights required by federal regulations (34 C.F.R. 300.504) as the source of information regarding their due process rights. Fifteen percent (n = 9) of the parents were informed of the hearing or complaint process by their local educational agency (parents rights statement, child's teacher or special education director) and almost twice as many -seventeen (28.3%) became aware of their options through contact with the Maine Department of Education. Combining all education sources (Local Education Agency and State Education Agency) indicates that 43.3 percent of the interviewees reported receiving information regarding the hearing or complaint process from educational professionals. In contrast, 70% reported that they found out about the process through an advocacy agency, another state agency, or private provider. Other sources of information include searching the internet, attending conferences, library research and professional training (parent employed as a special education teacher / aide). Note that the responses in Table 16 include multiple responses to this question.

Table 16

Sources Of Information Regarding the Hearing or Complaint Process Reported by Parents

Source Of Information Regarding The Hearing / Complaint Process	Hearing n = 31		Complaint n = 29		Total n = 60	
	n	%	n	%	n	%
Parent Rights Statement	4	12.9	1	3.4	5	8.3
District's Special Education Handbook	0	0.0	0	0.0	0	0.0
Child's teacher	0	0.0	1	3.4	1	1.7
Special Education Director	2	6.5	1	3.4	3	5.0
Another parent, friend	5	16.1	4	13.8	9	15.0
Maine Department of Education	10	32.3	7	24.0	17	28.3
Advocacy Agency	15	48.4	12	41.4	27	45.0
Other	4	12.9	3	10.3	7	11.7
Other State Agency	3	9.7	5	17.2	8	13.3
Private Provider / Professional	4	12.9	3	10.3	7	11.7
Total	47		37		84	

Note: Total responses are greater than 60 and percentages exceed 100 due to interviewees identifying multiple sources of information.

### Assistance With Due Process

Interviewees were asked what, if any, assistance they received with their hearing or complaint investigation request. Assistance included consultation, record review, letter writing, coaching, and representation. Within the hearing group, twenty-two interviewees (71%) reported receiving assistance from an attorney or an advocate and six (19.4%) reported receiving no assistance from any party. Twelve interviewees (41.4%) within the complaint group received attorney or advocate assistance and twelve (41.4%) reported receiving no assistance. A significant difference between the assistance received by the hearing and the complaint group was found ( $chi\text{-square} = 11.715, df = 5, p = 0.039$ ). Table 17 summarizes the sources of parental assistance by type of due process.

Table 17

### Source(s) of Assistance Received by Parents and Type Of Due Process

Assistance	Hearing		Complaint		Total	
	n	%	n	%	n	%
Attorney	15	48.4	4	13.8	19	31.7
Advocate	7	22.6	8	27.6	1	25.0
Another Parent	0	0	3	10.3	3	5.0
Maine Dept. of Ed.	2	6.5	1	3.4	3	5.0
Other	1	3.2	1	3.4	2	3.3
None	6	19.4	12	41.4	18	30

Note: percents may not equal 100 due to rounding

### Satisfaction With Results Of Due Process

Interviewees were asked to rate their satisfaction with the results of their hearing or complaint request using a six point Likert scale. The scale ranged from extremely satisfied to extremely dissatisfied with intermediate ratings of moderately satisfied, slightly satisfied, slightly

dissatisfied, and moderately dissatisfied. There was no significant difference between the hearing and complaint groups along the satisfaction with results dimension ( $t = 0.270$ ,  $df = 58$ ,  $p = 0.788$ ). Table 18 summarizes the parent's satisfaction with results by type of due process.

Table 18

## Parental Satisfaction and Due Process Type

Satisfaction	Hearing		Complaint		Total	
	n	%	n	%	n	%
Extremely Dissatisfied	9	29.0	10	34.5	19	31.7
Moderately Dissatisfied	4	12.9	4	13.8	8	13.3
Slightly Dissatisfied	1	3.2	0	0	1	1.7
Slightly Satisfied	2	6.5	3	10.3	5	8.3
Moderately Satisfied	11	35.5	6	20.7	17	28.3
Extremely Satisfied	4	12.9	6	20.7	10	16.7
Total - Dissatisfied	14	45.2	14	48.3	28	46.7
Total - Satisfied	17	54.8	15	51.7	32	53.3

Note: percents may not equal 100 due to rounding

Figure 5 is a visual representation of parental satisfaction with the results of their due process request.

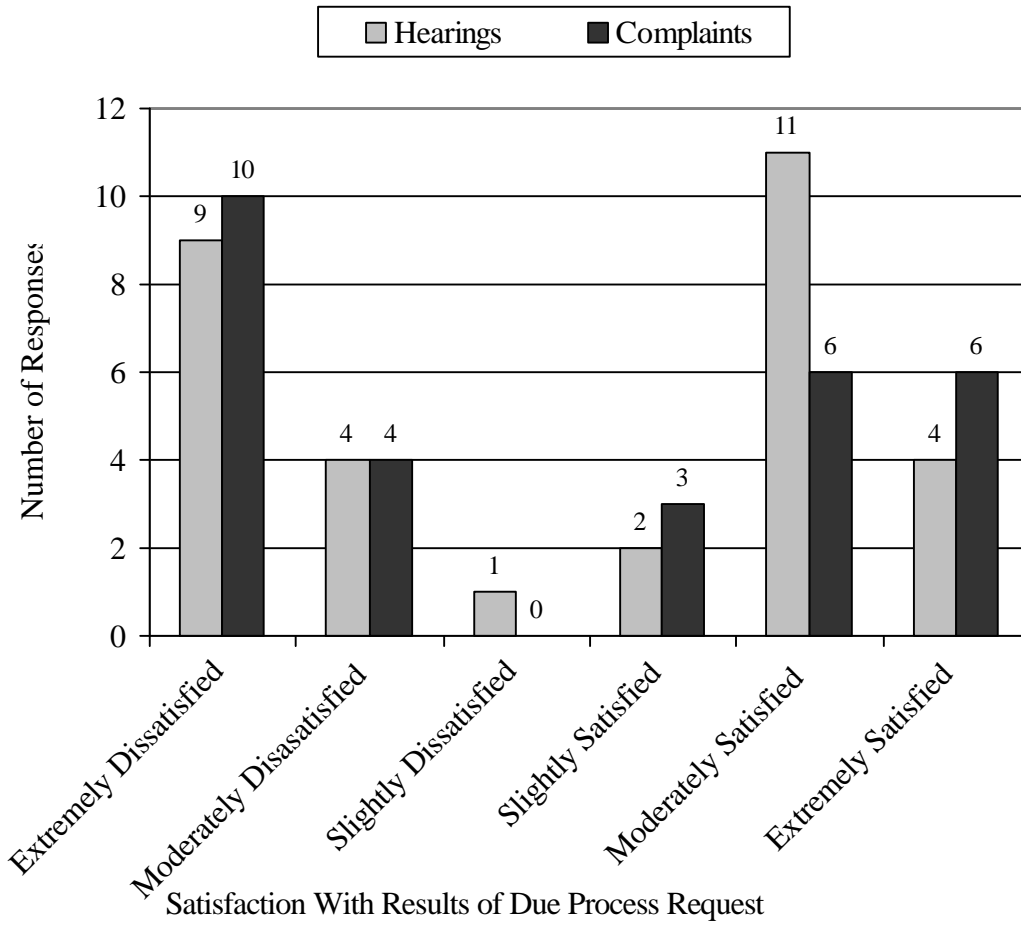


Figure 5. Parental Satisfaction with Due Process Results

### Type of Disagreement

Parents may request a due process hearing or compliant investigation when they disagree with the identification, evaluation, placement or the provision of a free appropriate public education (34 C.F.R. 300.507, 300.662). Interviewees were asked to summarize their disagreement with the school. Their requests for hearings or complaints and any hearing or complaint decisions were reviewed and compared with interviewee's responses. Disagreements were categorized as program, placement, procedures and identification / evaluation. Program disputes included disagreements regarding methodology, behavior management, appropriate services, etc. Placement disputes included disagreements regarding the location of services, residential placements, private school placements, etc. Procedures disputes included disagreements between parents and school regarding compliance with evaluation / meeting / notice of time-lines, the implementation of IEPs, discipline, qualifications of providers, provisions of services at no cost to parents, etc. The identification / evaluation disputes included disagreements between parents and schools concerning eligibility, appropriate evaluations, independent evaluations, etc. Table 19 summarizes the types of disputes for the hearing and complaint groups. A significant difference was found between the types of disputes and the type of due process ( $chi-square = 8.77, df = 3, p < 0.05$ ).

Table 19

Type Of Dispute By Type Of Due Process

Dispute	Hearing n = 57		Complaint n = 55		Total n = 112	
	n	%	n	%	n	%
Program	23	74.2	23	79.3	46	76.7
Placement	17	54.8	5	17.2	22	36.7
Procedures	12	38.7	19	65.5	31	51.7
Identification / Evaluation	5	16.1	8	27.6	13	21.7

Note: Percentages exceed 100 since multiple disputes may be included within a hearing or complaint

Annual Household Income by Outcome of Due Process

The results of hearing and complaint requests were compared with annual household income. Within the hearing or the complaint groups possible outcomes included *decision*, *mediated* or *withdrawn*. A decision outcome was defined as a written hearing decision or complaint investigation report being issued by the hearing officer or complaint investigator assigned to the case. A mediated outcome was defined as an agreement crafted with the parties through the facilitation of a Maine Department of Education mediator. A withdrawn outcome was defined as a hearing or complaint request that is withdrawn by the parents prior to a decision. Reasons for withdrawals could include the parents giving up and capitulating to the school's position, the resolution of the dispute by the school conceding to the parent's position, or a settlement agreement crafted between the parents and the school. Parents would frequently withdraw their requests by telephone or a simple letter indicating their withdrawal without further elaboration. Adequate records were not maintained by the Department of Education to determine the basis for all withdrawals. A *t-test* for independent samples was conducted



comparing the mean income with decisions and withdrawn requests, decisions and mediated requests and withdrawn and mediated requests. Tables 20 and 21 summarize the results of these tests.

Table 20

Descriptive Statistics - Mean Income by Due Process Outcome

Outcome	n	Mean	Std. Deviation
Decision	29	35,200	1.92
Withdrawn	18	48,900	2.47
Mediated	10	35,000	1.58

Table 21

T-Test Comparison between Mean Household Income and Due Process Outcomes

Comparison Groups	<i>t</i>	<i>df</i>	<i>p</i>
Decision—Withdrawn	-2.131	45	0.039*
Withdrawn—Mediated	1.598	26	0.122
Decision—Mediated	0.026	37	0.980

$p < 0.05$

A significant difference ( $p < 0.05$ ) was found between the mean income of parents who withdrew their request for a hearing or complaint and those whose requests resulted in a decision. Parents with higher reported household income tended to withdraw their due process requests rather than receive a decision while parents with less reported household income tended to receive a decision rather than withdraw their request for due process.

Comparison of Due Process Outcomes and Type Of Due Process

A comparison of the outcome of due process requests (Decision, Mediated or Withdrawn) with the type of due process (Hearing or Complaint) is summarized in Table 22. A significant difference exists between the type of due process and the outcome of due process requests (*Chi-square* = 18.276, *df* = 2, *p* <0.0005)

Table 22

Comparison of Type of Due Process with Outcome

Outcome	Hearing		Complaint		Total	
	n	%	n	%	n	%
Decision	7	22.6	22	75.9	29	48.3
Mediated	10	32.3	1	9.1	11	18.3
Withdrawn	14	45.2	6	20.7	20	33.3
Total	31		29		60	

Parent and School Representation by Type Of Due Process

Do parent representation and school representation differ between hearings and complaint groups? Table 23 summarizes the representation of parents and schools by hearing and complaint groups. Representation was defined as whether or not the parent or the school had documentation within the files at the Maine Department of Education that an attorney represented them. Within both the hearing group and the complaint group a significant difference was found between parent and school representation, (Hearing group - *chi-square* = 13.459, *df* = 1,  $p < 0.001$ ; Complaint group - *chi-square* = 6.751, *df* = 1,  $p = 0.009$ ).

Table 23

Comparison of Parental Representation With School Representation By Type Of Due Process

School Represented	Hearing				Complaint				Total			
	Yes		No		Yes		No		Yes		No	
Parent Represented	n	%	n	%	n	%	n	%	n	%	n	%
Yes	18	58.1	1	3.2	2	6.9	0	0.0	20	33.3	1	1.7
No	4	12.9	8	25.8	5	17.2	22	75.9	9	15.0	30	50.0
Total	22	71.0	9	29.0	7	24.1	22	75.9	29	48.3	31	51.7

Parent Representation by Household Income

Is there a difference between parents who are represented by an attorney in hearings or complaints and those who are not, based upon household income? Parent representation was determined based upon documentation on file at the Maine Department of Education that an attorney or an advocate represented the parent. During the structured interview, parents were asked to report their annual household income. The income data were aggregated into low income (\$0 – 20,000), middle income (\$20,001 – 50,000) and high income (\$50,001 or more). A significant difference exists between parent representation and household income. (*chi-square* = 11.763, *df* = 2, *p* = 0.003). Table 24 summarizes the comparison of parent representation by household income. The total equals 57 because three parents declined to report their annual income.

Table 24

Parent Representation and Household Income

Parent Representation	Family income							
	Low Income (\$0 – 20,000)		Middle Income (\$20 – 50,000)		High Income (\$50,001 +)		Total	
	n	%	n	%	n	%	n	%
No	15	41.7	17	47.2	4	11.1	36	63.2
Yes	4	19.0	6	28.6	11	52.4	21	36.8
Total	19	33.3	23	40.4	15	26.3	57	

### Parent Representation and Due Process Outcome

Records on file with the Maine Department of Education were reviewed to determine if an attorney or advocate represented the parents. A parent was determined to have been represented when an attorney or an advocate had signed the due process request, had appeared at the hearing or complaint proceedings, or if the decision was copied to an attorney or advocate. Twenty-one parents (35.0%) were represented including one parent who was an attorney representing himself. This number is notably different from the number of parents who reported receiving assistance from an attorney or advocate during the telephone interview ( $n = 34, 56.7\%$ ). This discrepancy may be reconciled since the assistance reported by the parents during the interview included consultation, coaching, record review, and other activities in addition to actual representation. A comparison of the outcome of due process (decision, mediated, withdrawn) for both hearing and complaint groups and the representation of parents found no significant difference between parents who were represented by attorneys and those who were not ( $chi-square = 3.491, df = 2, p = 0.175$ ). These results are probably skewed given the differences in representation and outcome between the hearing and complaint groups. An additional analysis of the hearing and complaint groups indicated no significant differences for either group (Hearing:  $chi-square = 2.820, df = 2, p = 0.244$ ; Complaints:  $chi-square = 0.684, df = 2, p = 0.711$ ).

Table 25

Parent Representation and Due Process Outcome

	Parents Represented				Total	
	No		Yes			
Outcome	n	%	n	%	n	%
Decision	22	56.4	7	33.3	29	48.3
Mediated	7	17.9	4	19.0	11	18.3
Withdrawn	10	25.6	10	47.6	21	33.3
Total	39	65.0	21	35.0	60	

Note: percents may not equal 100 due to rounding

School Representation and Due Process Outcome

Does the school's representation by an attorney effect the outcome of due process requests filed by parents? Table 26 represents the comparison of school representation by counsel with the outcome of due process requests. No significant difference was found between school representation and due process outcome. (*chi-square* = 3.518, *df* = 2, *p* = 0.172). Further analysis to compare school representation and outcome for hearings and complaints found no significant differences; (Hearing: *chi-square* = 3.266, *df* = 2, *p* = 0.195; Complaints: *chi-square* = 0.619, *df* = 2, *p* = 0.734).

Table 26

School Representation by Due Process Outcome

Outcome	School Represented				Total	
	No		Yes			
	n	%	n	%	n	%
Decision	18	58.1	11	37.9	29	48.3
Mediated	6	19.4	5	17.2	11	18.3
Withdrawn	7	22.6	13	44.8	20	33.3
Total	31	51.7	29	48.3	60	

Note: percents may not equal 100 due to rounding

Parent Satisfaction and Parent Representation

Table 27 summarizes the comparison of parent satisfaction by type of due process and parent representation. Parents were asked if they were satisfied with the results of their due process request using a six point Likert scale ranging from 1 (extremely dissatisfied) to 6 (extremely satisfied). Responses were aggregated in Table 27 into satisfied and dissatisfied responses. There was no significant difference between parent representation and satisfaction (*chi-square* = 0.012, *df* = 1, *p* = 0.914). An analysis by type of due process finds no significant difference for the complaint group (*chi-square* = 0.003, *df* = 1, *p* = 0.960) nor for the hearing group (*chi-square* = 0.009, *df* = 1, *p* = 0.925).

Table 27

Parent Satisfaction and Parent Representation

Parent Represented	Hearing				Complaint				Total			
	Yes		No		Yes		No		Yes		No	
Satisfaction	n	%	n	%	n	%	n	%	n	%	n	%
Satisfied	10	52.6	7	58.3	1	50.0	14	51.9	11	52.4	21	53.8
Dissatisfied	9	47.4	5	41.7	1	50.0	13	48.1	10	47.6	18	46.2
Total	19	61.3	12	38.7	2	6.9	27	93.1	21	35.0	39	65.0

Note. *Satisfied* responses included extremely satisfied, moderately satisfied and slightly satisfied responses. *Dissatisfied* responses included extremely dissatisfied, moderately dissatisfied and slightly dissatisfied responses



Parent Satisfaction and School Representation

Does parent satisfaction with the results of their due process request differ if the school is represented by an attorney? Table 28 summarizes the comparison of parent satisfaction by school representation and type of due process. Parents were asked if they were satisfied with the results of their due process request using a six point Likert scale ranging from 1 (extremely dissatisfied) to 6 (extremely satisfied). Responses were aggregated in Table 28 into satisfied and dissatisfied responses. There was no significant difference between parent satisfaction and school representation ( $chi-square = 0.12, df = 1, p = 0.914$ ). An analysis by type of due process found no significant difference between satisfaction and school representation within the complaint group ( $chi-square = 1.435, df = 1, p = 0.231$ ) nor within the hearing group ( $chi-square = 0.716, df = 1, p = 0.397$ ).

Table 28

Parent Satisfaction By Due Process Type And School Representation

School represented	Hearing				Complaint				Total			
	Yes		No		Yes		No		Yes		No	
Parent satisfaction	n	%	n	%	n	%	n	%	n	%	n	%
Satisfied	11	50.0	6	66.7	5	71.4	10	45.5	16	55.2	16	51.6
Dissatisfied	11	50.0	3	33.3	2	28.6	12	54.5	13	44.8	15	48.4
Total	22	71.0	9	29.0	7	24.1	22	75.9	29		31	

## Focus Group Results

### Generalizability of The Focus Groups Findings To The Telephone Interview Group

No significant difference was found between the parents who attended the focus groups and those who did not attend the focus groups. T-tests and chi-square analyses found no difference between groups for years of residence within the community ( $t = .518, df = 58, p = 0.606$ ), satisfaction with results of due process (chi square = 0.058 ,  $df = 1, p = 0.809$ ), annual income ( $t = 1.064, df = 55, p = 0.292$ ), or parent representation ( $chi-square = 0.388, df = 1, p = 0.533$ ). The lack of significant differences between the interview group and the focus group permits the responses of the focus groups to be generalized to both the interview group and the population of parents who initiated hearings and complaints with the Maine Department of Education during 1996.

### Residence by County

Table 29 summarizes the distribution of the interviewees who agreed (yes) or declined (no) to participate in the focus group. The residents of all counties within Maine were included within the interview group. The families who agreed to participate in the focus groups are generally equivalent to the interview group. The number of participants per county is small given the overall sample size. However, the numbers per county are reflective of population density with the state.

Table 29

County Of Residence By Due Process Type And Participation In Focus Group for  
Interview Participants

County	Hearing		Complaint		Total	
	Yes	No	Yes	No	Yes	No
Focus Group participants						
Androscoggin	1	4	1	2	2	6
Aroostook	0	0	0	1	0	1
Cumberland	4	4	2	1	6	5
Franklin	1	0	0	0	1	0
Hancock	1	0	1	1	2	1
Kennebec	2	1	1	2	3	3
Knox	0	0	2	0	2	0
Lincoln	1	0	1	1	2	1
Oxford	1	0	0	0	1	0
Penobscot	3	0	1	1	4	1
Piscataquis	0	0	1	0	1	0
Somerset	0	3	1	0	1	3
Sagadahoc	0	2	0	0	0	2
Waldo	1	0	0	2	1	2
Washington	0	0	0	2	0	2
York	1	1	2	3	3	4
Total	16	15	13	16	29	31

Focus group responses1. Identify some things that your school did which created or increased your disagreement and resulted in your hearing / complaint investigation request.

Parents from both the hearing and the complaint groups identified poor parent / school interactions as a major cause for their initiation of a hearing or complaint. Disregarding parental concerns and input, blaming parents for the child's failure to progress, broken promises, and loss of trust in the school characterized the parent - school relationships that led to parents filing hearing and complaint requests. Parents commented that decisions were "... not consensus based – the principal had all the power," that the parents "... needed to force the school to follow the law – no willingness to comply without a fight" and that the assistant principal and the special education director "intimidated parents, regular and special education teachers". One parent explained that they "were not valued as a team member – challenged but not in a positive way – more an intimidation" while another noted that there was "no caring or sensitivity" to the child's needs or the parent's concerns.

Parents in both the hearing and the complaint groups identified compliance issues as a reason for the initiation of a hearing or complaint. "Failure to implement the IEP", "minimal 'cookie cutter' special education services", "classroom modifications agreed to weren't done", "excuses for a lack of program", and "no willingness to comply without a fight" were examples given by parents in the focus group.

Additional reasons identified by the hearing group for filing a hearing request included a school's failure to follow the recommendations of the IEP team, independent evaluations, and parental consultants. Parents accused schools of "not following the IEP for over a year despite PET (IEP) meetings, mediation, etc.", "not listening to outside professionals brought in by parents" and "refusal to follow outside recommendations."

The complaint group cited violations of parental trust and blaming the parents as reasons for filing complaint investigation requests. Parents accused schools of "providing baby sitting

services” and of demonstrating “no good faith efforts to provide services.” Schools were reported to have refused to identify a child as eligible for special education because the family was “dysfunctional” or because the family was the cause of the student's school problems.

2. What are some things the school could have done to decrease the disagreement before you filed your hearing / complaint investigation request?

Both the hearing and the complaint groups cited collaboration with the parent as a means by which the school could have resolved the dispute prior to the parents filing a hearing or complaint request. Both groups emphasized the need to be treated as equals and to have open and honest responses to their concerns, “act sincere – lose the game face,” “Answer phone calls and letters and act like you care.” Parents recommended that schools could reduce the disagreement by “giving parents respect as the child’s best advocate – they know him best,” having “respect for parental expertise,” and to “partner with parents to find alternatives.”

The hearing group expressed a desire that school personnel admit mistakes, “recognize errors in recommendations... things that didn’t work and follow up with things that might” and apologize to the parents, “say oops, sorry.”

It is noteworthy that only four of the forty-eight responses from all focus groups mentioned compliance or provision of services as a means of remedying the dispute between parents and schools.

3. Is there anything that you did which created or increased the disagreement which resulted in your hearing / complaint investigation request?

Both the hearing and the complaint groups identified their assertive behavior and unwillingness to accept the school system’s proposals as contributing to the development of the dispute with the school. Parents recognized that they contributed to the disagreement when they “brought a team, including the media, to a PET meeting” or “openly disagreed with the principal.” A parent stated that she “refused to be intimidated by the special education director” and went “around her to the superintendent.” Other parents stated that they had “called them (the

school staff) liars and said that their tests were inadequate” or that “advocating for my child must have threatened the principal.”

Additionally, members of the hearing group cited their efforts to become knowledgeable in the legal requirements of special education and demanding that schools operate in compliance with these standards as a contributing factor to the disagreement. A parent stated that she “knew the law and expected adherence – became less flexible as time went on.” Another parent stated that she had “tried to educate the special education director on the law – cited references.”

4. What are some things you could have done to decrease the disagreement before you filed your hearing / complaint investigation request?

Both the hearing and the complaint groups identified passive acceptance or avoidance of the school system’s proposals as methods by which they could have resolved the dispute. Parents stated that they could have resolved the problem if they “joined the go along to get along gang,” “forget about it,” “give up – walk away,” “stop complaining” or “kept my mouth shut.” Parents in each group identified moving to a new school system, making a private school placement or withdrawing their child from school as a means a resolving the dispute while one parent noted “never having a child with a disability.”

Of the thirty-four responses to this question, only three response were means by which the parent could have proactively decreased the disagreement with the school rather than passively accepting or actively avoiding the conflict. Proactive measures cited by parents included monitoring the public school’s program more closely, taking more time with the evaluation and identification process, and addressing their concerns to the school earlier.

5. Why did you select the hearing process instead of the complaint or mediation process? (for the hearing group) or Why did you select the complaint process instead of the hearing or mediation process? (for the complaint group)

Both the hearing and the complaint groups selected their respective due process method based upon the recommendation of others. Both groups selected the process after trying other,

less adversarial methods without success, "...tried mediation, it didn't work and went to hearing", "...had informal meetings but they didn't work", "Tried mediation but no binding decision." Several parents in both groups specifically mentioned that they had attempted to use the mediation without success. Parents claimed that the schools had not negotiated in good faith, used the mediation as a stall tactic, or had used the mediation process for discovery purposes in order to prepare counter arguments in the due process hearing.

Several parents in the hearing group indicated that they had requested a hearing to invoke the stay put provisions under the IDEA and / or had requested a hearing in order to access mediation.

One parent in the complaint group indicated that she had filed a complaint after the special education "had dared" her by stating "go ahead and file a complaint."

6. Should other parents use the hearing / complaint process to resolve a disagreement with the school?

Parents in both the hearing and the complaint groups were generally in favor of recommending that other parent use the process that they had used. Seventeen of the twenty-one parents (81%) who participated in the hearing focus group indicated that they would recommend the hearing process to another parent while eleven of the sixteen parents (69%) in the complaint focus group indicated that they would recommend the complaint process. The hearing group indicated that they would recommend the hearing process to other parents because it forced the school to change. The complaint group indicated that they would recommend that parents use the complaint process because it is more effective than a hearing, less adversarial without attorneys involved and involves the State Department of Education in monitoring and follow-up with the school.

Those parents who indicated that they would not recommend a hearing to others cited the highly stressful and costly process as reasons they would not recommend the hearing process. The parents who were disinclined to recommend the complaint process to other parents indicated

that the process was ineffective in causing changes within the school due to a lack of effective follow-up to ensure compliance with corrective action plans.

7. Did you withdraw, mediate, or receive a hearing / complaint decision? Why?

Parents in both the hearing and the complaint groups reported that the reason that they elected to receive a hearing or complaint decision rather than to mediate or withdraw their requests was because a hearing or complaint decision was the only way to force the school to change. The hearing group noted that mediation efforts had been unsuccessful, citing bad faith negotiations and the use of mediation for discovery purposes as reasons that mediation efforts had failed.

Parents who had withdrawn their hearing request indicated that the reasons for their withdrawal were either because they had “given up” or had settled with the school. Of the parents who “gave up,” stress and cost were cited as reasons for this decision. One parent indicated that they had withdrawn their hearing request because the school attorney claimed that he had “never lost a hearing” and the family could not afford an attorney. Another parent indicated that the stress of the hearing was too great coupled with an ongoing family illness. The one parent who had mediated their complaint request noted that nothing had changed within the district after the mediation and subsequently the family moved to a new school system.

8. What were your feelings during the hearing / complaint process?

Anger, frustration, and fear characterized the feelings of parents during both the complaint and the hearing process. Parents reported feeling angry and frustrated because they had to resort to the hearing or complaint processes to secure appropriate services for their children. Parents were frustrated because they received little assistance from their schools in resolving their problems. Parents were frustrated and angry after a decision had been reached because there was little accountability or follow up by the Maine Department of Education to ensure their schools complied with the hearing or complaint decisions. Parents reported being fearful that their school or community would retaliate against them or their children for initiating



a hearing or complaint process. One parent reported that the school system had stated in a public meeting that the school would not be able to afford pencils for their students because of the expenses incurred by the district through a due process hearing decision. While not specifically identifying the family, the parent's recent hearing decision had ordered the placement of the parent's child in a private school at public expense. A parent, who had had extensive experience representing management in personnel disputes reported feeling "Incredibly awful – way worse than union business – I've never done anything where I felt so badly." Another parent who had initiated a hearing reported feeling "violated, ... gang raped" when she described how school personnel whom she had viewed as allies in educating her child attacked her proposals at the hearing during direct and cross examination, "...they were all lined up taking turns tearing me apart."

A minority of the parents in both the hearing and the complaint groups reported feelings of empowerment and satisfaction because of their hearing or complaint. These feelings were frequently coupled with initial feelings of anger and frustration. One parent reported feeling that she "finally had a chance" to secure appropriate services for her child while another parent reported feeling "vindicated" that her concerns had been upheld.

Several parents stated that the hearing process was "an emotional roller coaster." Parents experienced frustration that their children were different and anger that the school would not listen to their concerns. They expressed anxiety that filing a hearing or complaint was the correct method to remedy their concerns and fear that the school would retaliate against them or their children. Parents reported feeling hope that the hearing officer had fairly considered their case and relief that a decision would finally be made. Upon receipt of a decision, parents reported feeling gratification and vindication if they prevailed or frustration and anger if the decision supported the school.

Parents within the hearing group recalled feelings of stress due to the costs ("a waste of money") and powerlessness when faced by the fiscal and legal resources available to the school.

9. What problems or difficulties did you experience with the hearing / complaint process?

Parents in both the hearing and the complaint groups reported confusion about the hearing or complaint procedures due to an absence of information about the hearing and complaint processes and the lack of support to families as problems they had experienced with the hearing and complaint processes. A parent noted that the school was provided an attorney at public expense but that there was no public funding available for the parent's legal expenses.

The availability of publicly funded attorneys and the lack of knowledgeable, privately funded attorneys were cited as problems for parents. Publicly funded attorneys supported six families in due process hearings. Of the thirty-one hearings, an attorney from the State Protection and Advocacy Agency (P. & A.) represented only four families. Non-attorney advocates from the State P. & A. and the State Mental Health and Mental Retardation Agency each represented one family. Attorneys in private practice represented thirteen families. Publicly funded attorneys or advocates represented nineteen percent of the families involved in hearings, forty-two percent of the families were represented at private expense, and thirty-nine percent had no representation. In contrast, an attorney, funded through state and local tax dollars, represented seventy-one percent of the school districts.

Parents in the hearing group cited cost as a major problem. Parents indicated that they took second jobs or re-mortgaged their homes to pay for legal counsel. Parents within the hearing group also expressed difficulties with the legal process and were concerned that the adversarial process would negatively effect future relationships with the school. A parent noted that since filing the hearing request "relationships with the school had become guarded." Another parent reported that the school's attorney had "badgered" her and her witnesses. A third parent noted that the process is "very legal, detailed... with many acronyms... a secret language (making it) hard to focus on the child's needs." A parent summarized her difficulty with the hearing process as "They (the school) focus on the legal, we're ethical."

Parents in the complaint group cited a lack of accountability and follow-up by the Maine Department of Education to ensure that schools are complying with the corrective action plans ordered by the complaint investigators. A parent noted that the process has "... no teeth – the school didn't follow through on evaluations, IEPs or the complaint decision." Another noted that the "complaint investigation was satisfied with very little documentation of accountability (compliance with the corrective action plan). A third parent noted that some schools ignore problems including compliance because "the school hopes you'll get tired, move or the child will graduate."

#### 10. Was the hearing / complaint process fair?

Parents in the hearing and complaint groups were evenly split regarding their perception of the fairness of the hearing or complaint process. Eighteen parents (eleven from the hearing group and seven from the complaint group) felt that the process was fair and eighteen parents (ten from the hearing group and eight from the complaint group) felt that the process was not fair.

Fairness was largely perceived based upon whether or not the parent received an outcome favorable to them. Parents who noted that the process was fair explained their perception by noting "(w)e won and the corrective action plan was enforced;" "(t)he complaint investigator listened to us and saw the true picture;" "(b)ecause we won;" and the hearing decision "met my child's educational and medical needs."

Fairness was also based upon a perception of equity. Hearing and complaint group parents who felt the process was fair noted that the hearing officer / complaint investigator "really listened," "kept the school in line," was "balanced," "kept the school's attorney in line," and "information gathering was fair and put all the issues on the table."

Those parents who perceived the complaint process as not being fair noted that the school failed to comply with the corrective action plan. A parent noted, "(w)e trusted the special education director too much and took his word but the agreement wasn't enforced," Another

parent stated “Nothing punitive was done to the school when they were at fault – the corrective action plan was not enforced.” A third parent who felt the complaint process was not fair stated, “(I) needed a special education lawyer to handle all the stuff ... I was out of my depth.”

The parents from the hearing group who felt the process was not fair emphasized the lack of access to legal resources and the legalistic nature of the process. Parents who stated that the hearing process was not fair noted that the hearing “becomes an issue of who has the most money, the most legal expertise,” ... is “used as a weapon against the parents” and “without an attorney, the playing field isn’t level.”

11. What are some things that the Department of Education could do to improve the hearing / complaint process?

Parents from both the hearing and the complaint groups identified the need for increased parent information and support concerning the hearing and complaint procedures and a stronger role for the Maine Department of Education.

Parents recommended the development of user friendly informational material to “take the legalese out of the process” and “using common English” to explain the hearing and the complaint processes and special education standards. Parents also recommended increased publicity about the availability of the hearing and complaint process.

Parents recommended improved parental support through an “ombudsman,” “stronger, equal representation for parents” and improved access to assistance for parents. Parents recommended “a referral service to access a special education attorney” and “legal services for everyone – (parents) shouldn’t have to have high income (to afford counsel).” Parents suggested that “all related (legal) expenses by parents should be paid by the school” and the schools should “provide an advocate for parents” by hiring parents as quasi-staff to work within the school system to assist parents.

Additionally, parents from the hearing and complaint groups recommended that the Maine Department of Education improve monitoring, enforcement, and corrective actions for

non-compliance by school systems. Parents recommended that the Maine Department of Education “make the schools hold up to certain standards – enforce IEPs and agreements,” conduct a “follow up interview with parent,” “withhold monies” for non-compliance, and “tighter SEA monitoring of all LEA programs to ensure consistent standards between school systems.”