

A COMPARISON OF PARENTS WHO INITIATED DUE PROCESS HEARINGS AND  
COMPLAINTS IN MAINE

by

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ABSTRACT

Parents have the authority to challenge school decisions regarding the identification, evaluation, placement and provision of a free appropriate public education to their child with a disability through either the hearing process or the complaint investigation process under the Individuals With Disabilities Education Act.

This study explored the differences between parents who had initiated hearings and complaints and their perceptions of the processes. A document review, structured telephone interview and focus group meetings were used to gather data. The subjects were twenty-nine parents who had initiated complaints and thirty-one parents who had initiated hearings. The subjects were randomly selected from the population of all parents who had initiated hearings or complaints with the Maine Department of Education during 1996.

Quantitative data were analyzed using chi-square tests, t-tests, and descriptive statistics. Qualitative data were analyzed through a sorting process to aggregate data and identify consistent themes.

Findings of the study reveal that families with higher annual household income tend to use the hearing process, to withdraw or mediate their disputes and to be represented by counsel. No differences were found on parent satisfaction, marital status, or the ability of parents to participate in school activities. Parents reported a high level of anger, frustration and confusion regarding both processes. Parent and school relationships, poor communication and compliance issues were identified as causes for the initiation of a complaint or hearing. The hearing group

cited expense, the legalistic nature of hearings, and stress as major problems while the complaint group cited lack of accountability and enforcement as major problems. Both groups recommended increased parent training and support and improved monitoring and enforcement by the Maine Department of Education.

The results of this study support the conclusion that the hearing process is primarily available to those families with higher incomes and that both the hearing and the complaint processes tend to be associated with poor parent and school relationships. Additional research is needed to identify methods to improve parent and school relationships after the initiation of due process and to ensure that all parents have access to alternatives for the resolution of parent and school conflict.

## DEDICATION

This project is dedicated to my wife, Lauren,  
and to my children, Meaghan and Matthew.  
Their love and support was always with me even when I was far away.

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Most importantly, I extend a heartfelt thank you to the parents who were willing to open their hearts, share their perceptions of the due process system, express their aspirations and frustrations. Their willingness to participate in this study, their comments and suggestions will have an enduring impact upon me and my continued work with schools and parents.

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