

**January 20, 1998**

**SURVEY OF PARENTS FILING FOR PROCEEDINGS REGARDING  
THEIR CHILDREN'S SPECIAL EDUCATION**

**Prepared by:  
Department of Educational Accountability  
MONTGOMERY COUNTY PUBLIC SCHOOLS  
Rockville, Maryland**

**EXECUTIVE SUMMARY**

**Purpose**

The present study examined the perceptions of parents who filed for proceedings in the Montgomery County Public schools (MCPS) regarding their children's special education. Survey results specified the circumstances leading up to the proceedings and the extent of parent satisfaction with chosen proceedings. Results will be used to examine current procedures for determining the special education needs of children.

**Who Was Surveyed**

All parents who filed for proceedings regarding their children's special education during summer 1997 through the spring/summer 1998 comprised the sample of households, to be contacted and interviewed. There were a total of 266 households. Results below are based on 189 households or 83% of the eligible households that completed the telephone survey. Responding households were divided into four survey groups, corresponding to the type of filed proceeding: Administrative Review; Mediation only; Mediation and Due-Process Hearing; and only Due-Process Hearing.

**Summary of Survey Results**

The parents who were interviewed had filed for one of four types of proceedings: Administrative Review, Mediation, Mediation with Hearing, or Due-Process Hearing. The most frequently cited reasons for filing for a proceeding pertained to the appropriateness of special education services for their child, and the placement (location) of their child's special education services.

The majority of parents reported favorable experiences in their proceeding. Parents understood what was said during the proceeding and felt that they were informed of their rights. MCPS staff were courteous and professional, and enough time was spent by staff listening to their concerns. Most parents felt that the mediator and administrative law judge were knowledgeable about special education law and conducted the proceedings in an effective and orderly manner. However, only about one-third of the

parents felt that the MCPS staff who were present at the proceeding had the authority to address parents' concerns.

Three-quarters of the parents reported that their concern had been resolved, partially resolved, settled prior or during the proceeding, or that they had withdrawn their complaint. Most parents involved in Hearings reported that their issue had been resolved prior to the end of the proceeding; those that were not most often resulted in a loss for the parents. Over half of the parents were satisfied with the outcome of their proceeding. Parents who had filed for Hearings were least satisfied; those who had filed for Mediation with Hearing were most satisfied with the outcome of their proceeding. At least two-thirds of parents in each of the groups reported that MCPS was doing what was agreed to at the proceeding. Experiences were much the same for parents from different racial/ethnic and socioeconomic backgrounds.

About one-third of the parents planned no further proceedings or other follow-up action. Parents most likely to choose follow-up actions (e.g., planning to write a letter to the school, file a complaint with the Maryland State Department of Education, or file due-process hearing) had previously filed for Administrative Review or Mediation with Hearing.

### **Highlights of Survey Results**

- **Despite some race/ethnic and grade level differences, the likelihood of parents from different backgrounds who filed for any one of the four proceedings is about the same.**
  - Whites are most likely and Asian Americans and Hispanics are least likely to file for proceedings.
  - Parents having children enrolled in upper grade levels (high school) are most likely to have filed for proceedings and parents having children enrolled in lower grade levels (elementary school) least likely.
  - Parents having children participating in FARM and ESOL programs were less likely to file proceedings.
- **MCPS staff or information provided by MCPS was most frequently mentioned as ways parents learned about filing for proceedings to resolve their children's special education.**
  - One-half or more of the parents filing for proceedings gained their knowledge about proceedings from the MCPS Procedural Safeguard Booklet (65%) and during the Admissions, Review, and Dismissal (ARD) meeting (53%).
  - Surprisingly, the Parent Information Training Center (PITC) provided 14% of the parents with information regarding proceedings to resolve their concerns.
- **Most parents (80%) themselves decided on the type of proceeding to file.**
  - Most frequently cited advisors of parents were: attorneys (39%), outside advocate (34%), and the central office staff (31%).

- Parents filing Administrative Reviews and Mediation with Hearings were likely to be advised by central office staff.
  - Parents in the due-process Hearings were more likely to be advised by attorneys on the type of proceedings.
  - The PITC was cited by few parents (8%) as having advised them of the type of proceeding to file.
- **Reasons for parents filing any one of the four proceedings were generally the same.**
    - Most frequently mentioned reasons for filing for proceedings pertained to “accessing” special education services and the location where special education services are provided; specifically: (1) the appropriateness of special education services for their children (33%); and (2) the placement of their children in special education services (28%).
    - Percentages of parents citing these two reasons were much the same across the proceeding types.
    - About one-tenth (11%) of the parents said that eligibility and identification of their children for special education was a reason filing for proceedings.
    - Less frequently cited reasons for starting proceedings pertained to: related services (10%), other special education issues (5%), non-special education needs (4%), and procedural issues (4%).
- **The majority of parents reported favorable experiences in the proceedings.**
    - Most all of the parents (92%) understood what was said during the proceedings.
    - Three-quarters of the parents (77%) reported that they were informed of their rights, MCPS staff were courteous and professional (76%), and enough time was spent by staff listening to their concerns (75%).
    - However, only about one-third of the parents (37%) felt that the MCPS staff present at the proceedings had the authority to address parents’ concerns. This percentage decreased progressively as proceedings became more formal: 46% of the parents in Administrative Reviews, 39% of parents in Mediations, and 32% of the parents in Mediation with Hearings felt the MCPS staff at the meeting had authority to address their needs.
    - At least three-quarters of the parents reported that the proceedings were conducted in an effective and orderly manner.
    - About two-thirds of the parents felt that the mediator and administrative law judge were knowledgeable about special education law.
    - Parents who had children participating in FARMS reported experiences similar to parents whose children did not participate in FARMS.
    - Fewer African Americans than whites agreed that the mediator or Administrative Law Judge was knowledgeable about special education laws and had conducted proceedings in an effective and orderly matter.
- **Over one-half of the parents (58%) represented themselves at proceedings.**
    - Parents who filed for Hearings were far more likely to be represented by attorneys (72% compared to 0% to 24% for the other types of proceedings).

- For each proceeding type, attorneys were generally retained as the level of the proceeding escalated. Fewest parents reported representation by attorneys in the more informal proceedings of Administrative Review. Most parents reported representation by attorneys in the more formal proceedings of Due-Process Hearing.
- Parents who had children participating in FARMS were less likely to retain attorneys. Whites were more likely to choose attorneys for representation at proceedings, whereas African Americans were more likely to represent themselves at proceedings.
- **Over two-thirds of the parents were satisfied with their chosen method to resolve issues concerning their children’s special education.**
  - Seventy-one percent of the parents would use the same proceeding again.
  - Seventy-one percent of the parents said that they would recommend the chosen proceeding to others. Fewer parents involved in Mediation with Hearings and Hearings only said that they would recommend these proceedings to others.
  - About two-thirds of the parents (60%) were either very satisfied or satisfied with the outcome of their proceeding, and the remaining one-third (35%) were either very dissatisfied or dissatisfied. Parents involved in Hearings were least satisfied (34%), followed by parents involved in Mediations (60%). Parents involved in either Administrative Reviews or Hearings with Mediation expressed similar high levels of satisfaction (around 75%).
- **Three-quarters (73%) of the parents reported having resolved (45%), partially resolved (15%), settled prior or during the proceeding (5%), or having withdrawn their complaint (8%).**
  - Most Hearings were resolved prior to the end of the proceeding, and if they were not, the proceeding usually resulted in a loss for the parents.
- **Most parents (69%) reported that MCPS was doing what was agreed to at the proceedings.** Parent perceptions of MCPS follow-up of the proceeding decision varied only slightly across the four types of proceedings.
- **About one-third of the parents planned no further proceedings or other follow-up action.**
  - Parents most likely to choose follow-up actions had previously filed for Administrative Review or Mediation with Hearing.
  - Those parents who planned further action would choose some other, unspecified method (46%).
  - Next, about one-fifth of the parents were planning to write a letter to the school (22%), file a complaint with the Maryland State Department of Education (19%), or file Due-Process Hearing (19%).

The following pages provide a more detailed description of the survey methodology and survey results.

## **DETAILED METHODOLOGY**

### **Sample**

All parents filing for proceedings regarding their children's special education during summer 1997 through the spring/summer 1998 comprised the sample of households to be contacted and interviewed. There were a total of 266 households. Of the initial sample of 266 households, 189 households or 83% of the eligible households completed the telephone survey. Responding households were divided into four survey groups, corresponding to the type of filed proceeding: administrative review; mediation only; mediation and due-process hearing; and only due-process hearing. Examination of responses of the four survey groups identifies unique experiences of parents filing each type of appeal.

### **Questionnaire Instruments**

There were four questionnaire instruments, one for each survey group. The content of the four surveys was similar, insofar as learning about the proceedings and the processes involved in the proceedings were the same for the four groups. Specifically, the questionnaires asked about:

- Decision process (information source of chosen proceeding, who advised the parent of the chosen proceeding, reasons for choosing the proceeding)
- Parent experiences with the conduct of the proceeding (whether parents understood terminology used, appropriate MCPS staff were present, MCPS staff listened to parents, parents were informed of rights, provided translator if needed, etc.)
- Type of representation during the proceeding
- Satisfaction with the chosen proceeding
- Satisfaction with the outcome of the proceeding
- Outcome of the proceeding and whether MCPS is doing what was agreed to at the proceeding decision
- Future intentions for further action.

These same content areas served to organize results of the telephone survey.

### **Archival Data**

Information contained on the Student Information System was appended to the data collected in the telephone survey. Appended data included racial/ethnic identification, sex, grade level, English for Speakers of Other Languages (ESOL), Free and Reduced Meals program (FARMS), special education disability code, and intensity level of special education services given to students in the households of the sample.

## **Completion Rates**

There were 266 households represented in the sample of parents filing for proceedings regarding their children's special education from summer 1997 through spring/summer 1998. Directory Assistance could not provide working telephone numbers for 37 of the 266 households. As these households never had a chance to participate in the survey, these households were considered "ineligibles" and not included in the denominator to derive a completion rate. Of the remaining 229 households, 189 completed the telephone interview, representing a 82.5% completion rate. Nonresponding households fell into several categories: no answer during at least 6 attempts ( $N = 3$ ); no adult available in the household during at least 6 attempts ( $N = 6$ ); contacted adult in household but the adult was unsure of the status of the proceeding ( $N = 6$ ); and language problems ( $N = 1$ ). Completion rates were comparable across the four survey groups: 88.9% for Administrative Review; 86.4% for Mediation; 79.8% for Mediation and Due-Process; and 79.7% for Due-Process.

## **DETAILED RESULTS**

### **Background Characteristics of Parents and Their Children Involved in Proceedings**

Table 1 displays the background characteristics of parents and their children involved in proceedings. Also displayed are background characteristics of all MCPS students receiving special education services.

Compared to all students receiving special education services, whites were most likely to be involved proceedings. Seventy-two percent of the sample of parents filing for proceedings was white, compared to 54% in the special education student population. Asian Americans and Hispanics were least likely to be involved in proceedings. Of the sample involved in proceedings, 18% was African American and 7% was Hispanic, 27% African American and 14% Hispanic in special education student population. Despite these differences, parents of various race/ethnic identification were equally likely to file the four types of proceedings. That is, column percentages in the sample were similar for each race/ethnic group.

Parents of male students were disproportionately over-represented in both the sample of parents involved in proceedings (74%) and special education population (68%).

Parents having children enrolled at upper grade levels were most likely to file for proceedings. Of the parents involved in proceedings, 32% had children enrolled in high school, compared to 20% in the special education student population enrolled in high school. This grade level difference was especially evident for Administrative Reviews and Hearings. Parents having children enrolled in elementary school were least likely to

file for proceedings. Twenty-two percent of the sample had children enrolled in elementary school, compared to 38% of elementary school students in the special education population.

Parents having children participating in the Free and Reduced Meals (FARMS) program were less likely than parents of children not participating in FARMS to file for proceedings. One-quarter (26%) of the sample which filed had children in FARMS, compared to 43% of the special education student population. Additionally, parents having children enrolled in the English for Speakers of Other Languages (ESOL) were less likely to have filed for proceedings. Only 4% of the sample which had filed had children in the ESOL program, compared to 13% of the special education student population.

Three-quarters of the parents filing for proceedings had children who were already receiving special education services.

### **How Survey Responses Were Analyzed and Summarized**

Results are organized around the content areas represented in the questionnaires. When possible and appropriate, responses of the four survey groups to the content areas were compared. In addition, the relations of student demographic characteristics and parent experiences of proceedings are examined only when sample sizes of comparison groups are sufficient. Because the size of the overall sample was small, comparisons of survey responses among some demographic groups resulted in fairly small sizes of groups. For example, for FARMS, the lowest group size was 25, and for race comparisons, only whites (lowest N = 74) and African Americans (lowest N = 24) had sufficient group sizes for meaningful comparisons. Size of comparison groups should be kept in mind when comparing all percentages, especially those involving demographic groups across the four types of proceedings.

### **Knowledge Source for Chosen Proceeding**

Table 2 displays the information sources identified by parents as ways they learned about the proceedings to resolve their issues regarding their children's special education. One-half or more of the parents who filed for proceedings gained their knowledge of chosen proceedings from the MCPS Procedural Safeguard Booklet (65%) and at the Admissions, Review, and Dismissal (ARD) meeting (53%). Only parents who filed for Mediation proceedings were less likely to depend on these two sources.

Parents who filed for Hearings were more likely to cite outside consultants, advocates, and attorneys as sources of information for the proceeding chosen.

The school principal was a more likely source of information for Administrative Review, whereas the Maryland State Department of Education (MSDE) and friends and neighbors were more likely sources of information for Hearings.

The Parent Information Training Center (PITC) provided 14% of the parents with information regarding procedures to resolve their concerns. This percentage appeared low, given that the mission of the PITC is to assist parents in obtaining information on procedures and laws governing special education service delivery and information about resolving special education issues.

### **Who Advised Parents of Chosen Proceeding**

Table 3 shows those who advised parents to file proceedings. Most parents (80%) themselves decided on the type of proceeding to use. This percentage was similar for each of the four types of proceedings.

The next most frequently cited advisors of parents were: attorneys (39%), outside advocate (34%), and the central office staff (31%). Parents filing for Administrative Reviews and Mediation with Hearings were more likely to receive advice from central office staff. Parents filing for Hearings were more likely to be advised by attorneys and outside advocates and less likely to be advised by school principals. The PITC was cited by few parents (8%) as having advised them to file for proceedings.

### **Reasons for Choosing the Proceeding**

Table 4 displays the reasons parents filed for proceedings. Most frequently mentioned reasons by parents pertained to the appropriateness of services provided and the location where services are provided; specifically: (1) the appropriateness of special education services for their children (33%); and (2) placement where their children receive special education services (28%). Percentages of parents citing these two reasons were much the same across the proceeding types. Certainly parent comments reinforced these results. Some parents felt frustrated that their earlier attempts to access what they felt were appropriate special education services had failed and their only recourse was to file for proceedings. Other parents felt that MCPS was taking a very long period of time to make decisions about their children's needs, and filing for proceedings "expedited" decisions.

Other parents felt that filing for particular proceedings was useful in that the proceedings gave them opportunities to have an "open dialogue" and to "exchange ideas" with school or central office staff about the needs of their child. Parents also felt that some proceedings offered them more informal and less adversarial options to meet with MCPS staff and discuss their children's needs. Still other parents commented that they participated in particular proceedings because they were advised by MCPS staff to do so in order to access the services or placement they wanted for their children.

Turning back to Table 4, about one-tenth (11%) of the parents said that eligibility and identification of their children for special education was a reason for choosing proceedings. Parents involved in Administrative Reviews (21%) were more likely than other parents to name this as a reason.

Less frequently cited reasons for starting proceedings pertained to: related services (10%), such as, speech/language therapy, occupational therapy; special education issues (5%), such as safety; non-special education needs (4%); and procedural issues (4%). These percentages were much the same across the proceeding types.

### **Parent Comments About What MCPS Could Have Done Differently**

Parents were asked what MCPS could have done differently in order to avoid them filing for proceedings. Parent comments fell into several areas: Timeliness in making decisions about parent requests; Improvements in training of MCPS staff; Improvements in communication and dialogue between parents and MCPS staff; and Changing the composition of local school ARD committee. Each is described in greater detail below.

**Timeliness in making decisions about parent requests.** Parents felt that MCPS was too slow to make decisions about their requests concerning changes in their children's school placement or special education services. Although parents were satisfied with the outcome of the proceedings, the special education process was extremely arduous, and time-consuming. Furthermore, due to the delays, parents felt their children lost valuable time in the educational process. Parents also commented that their requests for special education testing or evaluation were not responded to on a timely basis which necessitated them filing for proceedings. Some suggested that more staff should be hired to help with evaluations.

**Improvements in training of MCPS staff.** Parents suggested that some MCPS staff involved in special education issues are not knowledgeable about mandated timelines or what programs are available for students with special needs. Parents felt that if this information had been available to them at an earlier time, they would have been more informed and might not have felt compelled to file for a proceeding.

**Improvements in communication and dialogue between parents and MCPS staff.** Parents suggested that MCPS had made decisions about their children's special education before they had opportunities to meet and discuss their concerns. Parents felt that it would have been more productive and less adversarial if, at earlier stages, staff would meet with parents and "dialogued together" to find the most appropriate program or placement rather than for MCPS to make decisions without parent input.

**Change the composition of local school ARD committee.** Some parents felt their local school ARD committee members were not sensitive to the special education needs of their children. These parents perceived the team members as harsh and impersonal and being too concerned about logistics and program costs rather than their children's needs.

## **Parent Experiences with the Conduct of the Proceeding**

Table 5 shows parent experiences with various aspects of the proceedings. Most all of the parents (92%) understood what was said during the proceedings. Three-quarters of the parents (77%) reported that they were informed of their rights, MCPS staff were courteous and professional (76%), and enough time was spent by staff listening to their concerns (75%). Slightly fewer parents involved in Administrative Review reported that MCPS staff were courteous and professional (59% compared to 80% of the other parents). About one-third of the parents (37%) felt that the MCPS staff present at the proceedings had the authority to address parents' concerns. This percentage decreased progressively as the proceeding type became more formal and legally binding, going from Administrative Review (46%) to Mediation (39%), and finally, to Mediation with Hearing (32%).

Parents who had children participating in FARMS had generally similar perceptions about the proceedings as parents with children not in FARMS. There was, however, slightly fewer parents having children in FARMS who reported enough time was spent listening to their concerns, MCPS staff listened to their concerns, and they had received a letter explaining decisions of the proceedings. Parent experiences of proceedings were much the same for each race group. The only difference was that slightly fewer African Americans than whites reported that MCPS listened to concerns.

Table 6 reports additional parent experiences of the proceedings. Most parents (83%) reported that the Mediation and Mediation with Hearing were conducted in an effective and orderly manner. Two-thirds of the parents (65%) felt that the mediator was knowledgeable about special education law. Fewer parents (50%) felt the appropriate MCPS staff had attended the Mediation and Hearing with Mediation. Parent perceptions of the Mediation and Mediation with Hearing were similar. There were few differences in percentages between parents filing for Mediation and Mediation with Hearing.

Three-quarters of the parents (76%) reported that the Mediation with Hearings and Hearings only were conducted effectively and orderly by the Administrative Law Judge. However, fewer parents filing for Hearings (62%) agreed with this item, as compared to parents who were involved in Mediation with Hearings (92%). A little over one-half (57%) of the parents filing for Mediation with Hearing and Hearing only reported that the judge was knowledgeable about special education law.

Fewer African Americans than whites agreed that the mediator or Administrative Law Judge was knowledgeable about special education laws and had conducted proceedings in an effective and orderly matter. When FARMS was considered, there was only one difference in these perceptions: Fewer parents who had children in FARMS reported that the appropriate MCPS staff was present at proceedings.

## **Type of Representation During the Proceeding**

Table 7 shows the type of representation chosen by parents filing for one of the four types of proceedings. Over one-half of the parents (58%) represented themselves at proceedings. Parents who filed for Hearings only were far more likely to be represented by attorneys (72% compared to 33% for all four proceeding types). For each proceeding type, attorneys were generally retained as the level of the proceeding escalated, i.e., going from the most informal proceedings of Administrative Review, to Mediation and finally, to the most formal, Due-Process Hearing.

Of the parents who chose to have advocates or attorneys, many commented that they felt it was the only way they could ensure that they would “win” the case. Others felt they did not know the law(s) well enough to be their own representative. Still others felt that up to the point of filing for proceedings, they had been unsuccessful in advocating for their children’s needs and having attorneys provided the necessary legal avenues for them to access these services.

Few parents reported that they were represented by other people (5%) and advocates (4%). These parents commented that they had limited personal funds to spend on hiring attorneys or advocates to represent them, but by participating as their own advocates in an Administrative Review or Mediation proceedings, they gained access to other program options for their children they might not have had previously.

Parents who had children participating in FARMS were less likely to retain attorneys. Whites were more likely to choose attorneys for representation at proceedings, whereas African Americans were more likely to represent themselves at proceedings.

Parents’ initial reason for filing for proceedings was not generally related to their type of representation. One-half or more of the parents represented themselves for each of the reasons for filing. The two exceptions were when parents gave Procedural Issues and “other issues” as reasons for filing and were more likely to retain attorneys.

## **Satisfaction with Chosen Proceeding**

Parents commented that they were satisfied with the proceedings they chose because it gave them opportunities to have productive dialogue with MCPS staff, and it was a relatively easy way to appeal to a higher MCPS office beyond the local school. Parents also felt the proceedings gave them opportunities to learn about various MCPS programs they might not have known about previously. Indeed, survey responses showed a fairly high level of satisfaction (see Table 8). Over two-thirds of the parents were satisfied with their chosen method to resolve issues concerning their children’s special education. Seventy-one percent of the parents would use the same proceeding again. Generally, percentages did not vary across the proceeding types, although slightly fewer

parents who filed for Mediation with Hearings expressed willingness to use the proceeding again.

Seventy-one percent of the parents said that they would recommend the chosen proceeding to others. Fewer parents filing for Mediation with Hearings and Hearings only said that they would recommend these proceedings to others.

Parents were then asked about their satisfaction with the outcome of the chosen proceedings. About two-thirds of the parents (60%) were either very satisfied or satisfied with the outcome of their proceeding, and the remaining one-third (35%) were either very dissatisfied or dissatisfied. Parents filing for Hearings were least satisfied (34%), followed by parents filing for Mediations (60%). Parents filing either Administrative Reviews or Mediation with Hearings expressed comparable high levels of satisfaction (around 75%).

Parents who filed for reasons of eligibility and identification and for reasons of non-special education were generally more satisfied with the outcome of the proceedings. In contrast, parents who filed for procedural issues and “other issues” were generally less satisfied with the outcome of the proceedings. For the remaining reasons, parents were fairly evenly split in their satisfaction and dissatisfaction (i.e., for reasons of Appropriateness of Special Education Services, Related Services, and Placement).

### **Outcome of Proceeding**

Table 9 reports the outcome of the proceedings that parents filed. Three-quarters (73%) of the parents reported having resolved, partially resolved, settled, or having withdrawn their complaint. One-half of the proceedings were either resolved (45%), settled prior to the hearing (3%), or during the hearing (2%). An additional 15% of the proceedings were partially resolved. Only 17% of the proceedings were not resolved. About 8% of the proceedings were withdrawn prior to the Hearing. About 7% of the proceedings resulted in losses. The outcome of the proceeding did not vary substantially by reason for initial filing.

Most Hearings were resolved prior to the end of the proceeding, and if they were not, the proceeding usually resulted in a loss. Specifically, one-third of the Hearings (34%) was withdrawn before Hearings commenced. An additional one-quarter were settled prior to Hearings (15%) or during Hearings (10%). Most of the remaining Hearings resulted in losses (32%).

### **MCPS Doing What was Agreed to at the Proceeding**

Table 10 shows parent perceptions about whether MCPS is providing services agreed to at the proceedings. Most parents (69%) reported that MCPS was doing what was agreed to at the proceedings. An additional one-fifth to one-quarter of the parents said that MCPS was not doing what was agreed to at the proceedings. The remaining parents were either unsure or had not yet resolved their issues. Parent perceptions of

MCPS follow-up of the proceeding decision varied only slightly across the four types of proceedings.

Of the various parent follow-up actions, 28% parents reported that they would not seek any further actions against MCPS. This was evident most among parents who filed Administrative Reviews (42%) and Mediations with Hearings (33%). On the other hand, 72% of the parents indicated that they would seek at least one of the follow-up actions against MCPS. Parents most likely to file for a follow-up actions were those who had originally filed either Mediations (80% said they would take further action) or Hearings (77% said they would take further action).

Most parents who planned further action would choose some other, unspecified method (46%). Next, about one-fifth of the parents were planning to write letters to the school (22%), file complaints with the MSDE (19%), or file Due-Process Hearings (19%). Parents who had filed Hearings were more likely to say that they would file a complaint with the Civil Rights Office.

### **Summary of Survey Results**

The parents who were interviewed had filed for one of four types of proceedings: Administrative Review, Mediation, Mediation with Hearing, or Due-Process Hearing. The most frequently cited reasons for filing for a proceeding pertained to the appropriateness of special education services for their child, and the placement (location) of their child's special education services.

The majority of parents reported favorable experiences in their proceeding. Parents understood what was said during the proceeding and felt that they were informed of their rights. MCPS staff were courteous and professional, and enough time was spent by staff listening to their concerns. Most parents felt that the mediator and administrative law judge were knowledgeable about special education law and conducted the proceedings in an effective and orderly manner. However, only about one-third of the parents felt that the MCPS staff who were present at the proceeding had the authority to address parents' concerns.

Three-quarters of the parents reported that their concern had been resolved, partially resolved, settled prior or during the proceeding, or that they had withdrawn their complaint. Most parents involved in Hearings reported that their issue had been resolved prior to the end of the proceeding; those that were not most often resulted in a loss for the parents. Over half of the parents were satisfied with the outcome of their proceeding. Parents who had filed for Hearings were least satisfied; those who had filed for Mediation with Hearing were most satisfied with the outcome of their proceeding. At least two-thirds of parents in each of the groups reported that MCPS was doing what was agreed to at the proceeding. Experiences were much the same for parents from different racial/ethnic and socioeconomic backgrounds.

About one-third of the parents planned no further proceedings or other follow-up action. Parents most likely to choose follow-up actions (e.g., planning to write a letter to the school, file a complaint with the Maryland State Department of Education, or file due-process hearing) had previously filed for Administrative Review or Mediation with Hearing.

TABLE 1

Background Characteristics of Students in the Sample Whose Parents Filed for Proceedings

	Parents in Telephone Sample				Row Total	Students in Special Education
	Type of Proceeding Filed					
	Admin Review	Mediation	Mediation with Hearing	Hearing		
	<u>Column Percentages</u>					
<u>Race</u>						
American Indian	0.0	0.0	1.5	0.0	0.5	0.3
African American	16.7	21.6	19.4	10.6	17.5	26.7
Asian American	0.0	5.9	1.5	0.0	2.1	5.0
Hispanic	4.2	5.9	9.0	8.5	7.4	14.1
White	79.2	66.7	68.7	80.9	72.5	54.0
<u>Sex</u>						
Male	79.2	78.4	68.7	74.5	74.1	67.5
<u>Grade Level</u>						
Elementary (K-Gr. 5)	12.6	33.2	24.0	10.7	21.6	37.8
Middle (Gr. 6-8)	25.0	11.8	21.1	23.4	19.6	23.1
High School (Gr. 9-12)	41.6	29.5	28.4	33.7	31.8	19.7
Ungraded	20.8	23.5	26.9	31.9	26.5	19.4
FARMS	21.1	26.2	28.8	25.9	26.4	42.5
ESOL	5.3	2.4	3.8	7.4	4.3	13.1
% of students currently receiving Spec. Ed. services	75.0	78.4	83.1	76.6	79.1	--
Column N	24	51	67	47	189	16,682

TABLE 2

## Knowledge Source for Chosen Proceeding

	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages of Parents Who Said “Yes”</u>				
MCPS Procedural Safeguard Booklet	70.8	52.9	67.2	72.3	65.1
ARD Meeting	58.3	39.2	59.7	57.4	53.4
Outside consultant/ Advocate	37.5	41.2	37.3	56.6	43.1
Attorney	16.7	39.2	35.8	71.7	43.1
Spoke to someone at central office	45.8	29.4	46.3	34.8	38.8
Used before or knew about it	37.5	25.5	28.4	43.5	32.4
Parent conference	20.8	23.5	35.8	27.7	28.6
Other	41.7	25.5	28.4	17.4	26.6
Child’s teacher	16.7	13.7	28.4	19.1	20.6
MDSE	12.5	13.7	20.9	29.8	20.1
Friend or neighbor	4.2	19.6	14.9	32.6	19.1
School principal	29.2	19.6	17.9	14.9	19.0
Physician	8.3	19.6	16.4	26.1	18.6
PITC	12.5	7.8	17.9	17.0	14.3
School newsletter	4.2	9.8	7.5	4.3	6.9
Column N	24	51	67	47	189

Note.

Column percentages will exceed 100%, as parents could respond “yes” or “no” to each item.

TABLE 3

## Who Advised Parent of Chosen Proceeding

	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages of Parents Who Said “Yes”</u>				
Decided myself	66.7	76.5	86.6	82.6	80.3
Attorney	4.2	37.3	32.8	68.1	39.2
Outside advocate	16.7	39.2	23.9	50.0	33.5
Central office staff explained	37.5	27.5	44.8	13.0	31.4
Used before or knew about it	33.3	19.6	29.9	37.0	29.3
Other	33.3	35.3	23.9	19.6	27.1
School principal or teacher	29.2	23.5	23.9	13.0	21.8
PITC	4.2	7.8	13.4	2.2	8.0
Column N	24	51	67	47	189

Note.

Column percentages will exceed 100%, as parents could respond “yes” or “no” to each item.

TABLE 4

## Reasons for Choosing the Proceeding

	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages of Parents Who Said “Yes”</u>				
Appropriateness of spec. ed. services	37.5	23.5	32.8	40.4	32.8
Placement	25.0	33.3	28.4	23.4	28.0
Eligibility & identification	20.8	9.8	13.4	4.3	11.1
Related services	4.2	11.8	9.0	10.6	9.5
Other (overall spec. ed. curriculum issue	0.0	3.9	9.0	4.3	5.3
Non-spec. ed. needs, e.g., transfers	0.0	5.9	4.5	4.3	4.2
Procedural issues	4.2	5.9	0.0	6.4	3.7
Column N	24	51	67	47	189

Note.

Column percentages approximate 100%, as parents chose only one item in the first column, i.e., the main reason for filing proceedings.

TABLE 5

## Parent Experiences with the Conduct of the Proceeding

Parent Experience	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages of Parents Who Said “Yes”</u>				
Understand what was said at proceeding	77.3	92.2	96.8	n/a	91.9
Informed of rights	77.3	76.5	77.4	n/a	77.0
Enough time spent listening to parents’ concerns	78.3	74.5	74.6	n/a	75.2
MCPS staff courteous and professional	59.1	80.4	79.0	n/a	76.3
MCPS staff listen to parents’ concerns	81.8	68.6	71.0	n/a	71.9
Receive letter explaining decision	69.6	70.6	69.4	n/a	69.9
MCPS staff had authority to address needs	45.5	39.2	32.3	n/a	37.0
Translator made available	0/1	5/8	6/6	3/5	14/20
Column N	23	51	62		136

Notes.

n/a = not asked in the questionnaire for this group.

Column percentages will exceed 100%, as parents respond “yes” or “no” to each item. In general, percentages not listed fell fairly evenly into the remaining response categories of “no,” “not sure,” and “don’t know.”

TABLE 6

## Parent Experiences with the Conduct of the Proceeding

Parent Experience	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
<u>Column Percentages of Parents Who Said “Yes”</u>					
Appropriate MCPS staff attended proceeding	n/a	49.0	50.8	n/a	50.0
Admin. Review recommendation received in timely manner	86.4	n/a	n/a	n/a	86.4
Mediator conducted Mediation in effective and orderly manner	n/a	84.3	82.3	n/a	83.2
Mediator knowledgeable about special ed. law	n/a	64.7	64.5	n/a	64.6
Admin. Law Judge conducted proceeding in effective & orderly manner	n/a	n/a	91.7	70.7	75.5
Admin. Law Judge knowledgeable about special ed. laws	n/a	n/a	58.3	56.1	56.6
Column N	22	51	62	41	113

Notes.

n/a = not asked in the questionnaire for this group.

Column percentages will exceed 100%, as parents could respond “yes” or “no” to each item. In general, percentages not listed fell fairly evenly into the response categories of “no,” “not sure,” and “don’t know.”

TABLE 7

## Type of Representation During the Proceeding

Type of Representation at Mediation	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages Who Said “Yes”</u>				
Self	75.0	62.7	69.8	23.3	57.5
Attorney	0.0	27.5	23.8	72.1	33.1
Other	12.5	2.0	6.3	2.3	5.0
Advocate	12.5	7.8	0.0	2.3	4.4
Column N	24	51	63	43	181
When Retained Attorney/Advocate (N = 68) <sup>a</sup>					
First started proceeding	33.3	27.8	26.7	40.6	33.8
Admin. Review <sup>b</sup>	66.6	n/a	n/a	n/a	3.0
Mediation <sup>c</sup>	n/a	72.2	73.4	37.5	52.9
Before Due-Process	n/a	n/a	n/a	18.8	8.8
Column N	3	18	15	32	68

Notes.

n/a = not asked in the questionnaire for this group.

Column percentages approximate 100%, as parents chose only one response for each item in the first column.

<sup>a</sup> All percentages for this item include only those parents who retained attorneys and advocates, N = 68.

<sup>b</sup> Includes responses to before, during, and after Administrative Review.

<sup>c</sup> Includes responses to before, during, and after Mediation.

TABLE 8

## Satisfaction with the Chosen Proceeding

	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
<u>Use Same Proceeding Again</u>	<u>Column Percentages</u>				
Yes	79.2	72.5	64.6	72.7	70.7
Not sure	8.3	3.9	9.2	6.8	7.1
No	12.5	23.5	26.2	20.5	22.3
<u>Recommend Proceeding to Others</u>					
Yes	87.5	76.5	64.6	65.9	71.2
Not sure	8.3	3.9	13.8	13.6	10.3
No	4.2	19.6	21.5	20.5	18.5
Column N	24	51	65	44	184
<u>Satisfaction With Outcome of Proceeding</u>					
Very satisfied and satisfied	75.0	60.0	78.0	34.1	59.7
Neither satisfied nor dissatisfied	4.2	4.0	9.8	2.3	5.0
Very dissatisfied or dissatisfied	20.8	36.0	12.2	63.6	35.2
Column N	24	50	41	44	159

Note.

Column percentages approximate 100%, as parents chose only one response for each item in the first column.

TABLE 9

## Outcome of the Proceeding

Survey Question	Type of Proceeding Filed				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
<u>Outcome of Proceeding</u>	<u>Column Percentages</u>				
Resolved	66.7	52.9	59.1	n/a	45.1
Not resolved	12.5	25.5	21.2	n/a	16.5
Partially resolved	20.8	21.6	18.2	n/a	15.4
Withdrawn prior to hearing	n/a	n/a	n/a	34.1	7.7
Settled prior to hearing	n/a	n/a	n/a	14.6	3.3
Settled during hearing	n/a	n/a	n/a	9.8	2.2
Lost	n/a	n/a	n/a	31.7	7.1
Won	n/a	n/a	n/a	4.9	1.1
Dismissed	n/a	n/a	n/a	4.9	1.1
Column N	24	51	66	41	182

Notes.

n/a = not asked in the questionnaire for this group.

Column percentages approximate 100%, as parents chose only one response for each item in the first column.

TABLE 10

Parent Perceptions of Whether MCPS is Doing What was Agreed to at the Proceeding Outcome

	<u>Type of Proceeding Filed</u>				Row Total
	Admin Review	Mediation	Mediation with Hearing	Hearing	
	<u>Column Percentages</u>				
<u>MCPS Did What Was Agreed / Ordered in Resolution <sup>a</sup></u>					
Yes	66.7	66.7	76.2	65.9	68.9
Not sure	8.3	7.8	4.8	9.1	7.5
No	25.0	21.6	19.0	15.9	19.9
Not resolved	0.0	3.9	0.0	9.1	3.7
<u>Next Planned Steps <sup>b</sup></u>					
Of actions listed below:					
% parents who plan no further actions	41.7	19.6	32.8	23.4	28.0
% of parents who plan further actions	58.3	80.4	67.2	76.6	72.0
Follow-up Actions:					
Other	50.0	56.9	33.3	42.2	45.9
Write letter to school	16.7	17.6	17.9	31.8	21.5
File complaint with MSDE	12.5	15.7	12.5	31.8	18.9
File for Due-Process Hearing	4.2	19.6	10.0	33.3	18.8
File complaint with Office of Civil Rights	4.2	15.7	2.6	22.7	12.7
Column N	24	51	42	44	161

<sup>a</sup> Column percentages approximate 100%, as parents chose only one response for each item in the first column.

<sup>b</sup> Column percentages will exceed 100%, as parents could respond “yes” or “no” to each item. In general, the difference between 100% and the percentage in each cell indicates those parents who will not take this action.