



Dispute Resolution National Trends: 8 Years of APR/Section 618 Data

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February 13, 2014
11:30am – 12:45pm PST

Note: The PowerPoint is currently available on the CADRE Website:
<http://www.directionservice.org/cadre/DRtrendswebinar.cfm>

Technical Stuff:

- All phone lines are muted – press #6 to unmute your phone during the Q&A.
- Please share any questions or technical difficulties into the chat box.
- Thank you for taking the time to answer the webinar poll questions!
(Note: The poll questions will appear on your screen until we remove them)



Today's Objectives:

1. Background
2. Overview
3. State Data Reports
4. Ways to Use Data
5. Data Tool
6. Q & A



Background

- CADRE National Longitudinal Database: State DR activity from 2004-05 to 2011-12
- Data Sources (submitted to OSEP)
 - States' Annual Table 7 DR Data
 - Annual Childcount Data (Dec. 1 count)
- Calculated values: Rate per 10K, performance indicators, other metrics that may help with state-to-state comparisons, trends, etc.



Data Accuracy & Quality

- CADRE reviews data for mathematically impossible and highly improbable values based on definitions in the Table 7 instructions – when such values are identified, CADRE contacts states and works with OSEP
- Data adjustments: If states have more accurate information to provide, CADRE accepts revisions
- Limitations of the data
 - Not a complete picture of events: Table 7 covers only events begun in the reporting year and their disposition
 - Data quality has improved over time, but older data and a few current data elements may be less accurate
 - Some data elements accurately reported may still hide as much as they reveal



Comparison of CADRE National ADR Database Elements (2004-05 through 2011-12)

Prepared by CADRE, 2012

2004-2005 thru 2006-07 Data Elements	2007-08 and 2008-09 Data Elements	2009-10 thru 2011-2012 Data Elements
COMPLAINTS	COMPLAINTS	COMPLAINTS
(1) Signed, written complaints total	(1) Total number of written, signed complaints filed	(1) Total number of written, signed complaints filed
(1.1) Complaints with reports issued	(1.1) Complaints with reports issued	(1.1) Complaints with reports issued
(1.1)(a) Reports with findings	(a) Reports with findings of noncompliance	(a) Reports with findings of noncompliance
CALCULATED: Complaints with No Findings	CALCULATED: Complaints with No Findings	CALCULATED: Complaints with No Findings
(1.1)(b) Reports within timeline (60 days)	(b) Reports within timeline	(b) Reports within timeline
(1.1)(c) Reports within extended timelines	(c) Reports within extended timelines	(c) Reports within extended timelines
CALCULATED: Complaints Within Timelines	CALCULATED: Complaints Within Timelines	CALCULATED: Complaints Within Timelines
CALCULATED: Complaints Late	CALCULATED: Complaints Late	CALCULATED: Complaints Late
(1.3) Complaints pending	(1.2) Complaints pending	(1.2) Complaints pending
(1.2) Complaints withdrawn or dismissed	(1.3) Complaints withdrawn or dismissed	(1.3) Complaints withdrawn or dismissed
(1.3)(a) Complaint pending a due process hearing	(1.3)(a) Complaints pending a due process hearing	(1.3)(a) Complaints pending a due process hearing
MEDIATIONS	MEDIATIONS	MEDIATIONS
NEW: (2) Mediation requests total	(2) Total number of mediation requests received	(2) Total number of mediation requests received
CALCULATED: (2.1) Mediations [held]	(2.1) Mediations held [reported]	(2.1) Mediations held [reported]
(2.1)(a) Mediations related to due process [held]	(2.1)(a) Mediations held related to due process complaints	(2.1)(a) Mediations held related to due process complaints
(2.1)(a)(i) Mediation agreements (related to DP)	(2.1)(a)(i) Mediation agreements related to due process complaints	(2.1)(a)(i) Mediation agreements related to due process complaints
(2.1)(b) Mediations not related to due process [held]	(2.1)(b) Mediations held not related to due process complaints	(2.1)(b) Mediations held not related to due process complaints
(2.1)(b)(i) Mediation agreements (not related to DP)	(2.1)(b)(i) Mediation agreements not related to DP complaints	(2.1)(b)(i) Mediation agreements not related to due process complaints
CALCULATED: Total Mediation Agreements	CALCULATED: Total Mediation Agreements	CALCULATED: Total Mediation Agreements
(2.2) Mediations not held (including pending)	(2.2) Mediations not held (including pending)	(2.2) Mediations pending
		(2.3) Mediations withdrawn or not held
DUE PROCESS HEARINGS	DUE PROCESS COMPLAINTS	DUE PROCESS COMPLAINTS
(3) Hearing requests total	(3) Hearing requests total	(3) Total Number of Due Process Complaints Filed
NEW in 2005-06: (3.1) Resolution sessions	(3.1) Resolution meetings	(3.1) Resolution meetings
NEW in 2005-06: (3.1)(a) Settlement agreements	(3.1)(a) Written settlement agreements	(3.1)(a) Written settlement agreements
(3.2) Hearings (fully adjudicated)	(3.2) Hearings fully adjudicated	(3.2) Hearings fully adjudicated
(3.2)(a) Decisions within timeline (\$300.511)	(3.2)(a) Decisions within timeline (include expedited)	(3.2)(a) Decisions within timeline (include expedited)
(3.2)(b) Decisions within extended timeline (\$300.511(c))	(3.2)(b) Decisions within extended timeline	(3.2)(b) Decisions within extended timeline
CALCULATED: Hearings Held within Timelines	CALCULATED: Hearings Held within Timelines	CALCULATED: Hearings Held within Timelines
CALCULATED: Hearings Held Late	CALCULATED: Hearings Held Late	CALCULATED: Hearings Held Late
NEW in 2005-06: (3.3) Resolved without a hearing	(3.3) Resolved without a hearing	(3.4) DP complaints withdrawn, dismissed, or resolved w/o a hearing
CALCULATED: Hearings Pending	CALCULATED: Hearings Pending	(3.3) Hearings Pending
EXPEDITED HEARINGS	EXPEDITED DUE PROCESS COMPLAINTS	EXPEDITED DUE PROCESS COMPLAINTS
(4) Expedited hearing requests total	(4) Total number of expedited due process complaints filed	(4) Total number of expedited due process complaints filed
(4.1) Resolution sessions	(4.1) Resolution meetings	(4.1) Resolution meetings
(4.1)(a) Settlement agreements	(4.1)(a) Written settlement agreements	(4.1)(a) Written settlement agreements
(4.2) Expedited hearings (fully adjudicated)	(4.2) Expedited hearings fully adjudicated	(4.2) Expedited hearings fully adjudicated
(4.2)(a) Change of placement ordered	(4.2)(a) Change of placement ordered	(4.2)(a) Change of placement ordered
N/A	N/A	(4.3) Expedited DP complaints pending
N/A	N/A	(4.4) Expedited DP complaints withdrawn, dismissed, or resolved w/o a hearing



Activity per 10,000 Childcount

- **Answers the question:** *“For every 10,000 students in special education, how many of a particular type of DR event (e.g., DP Complaints Filed) are there?”*
- **Formula:** *[# of DR events divided by childcount for the state, region, etc.] times 10,000*
- **Why it helps:** It allows comparisons across states of differing childcounts
- **Where it is less helpful:** For *entities* that have childcounts less than 10,000 (makes the activity appear to be more frequent than it is)



State & National Dispute Resolution Data Summaries

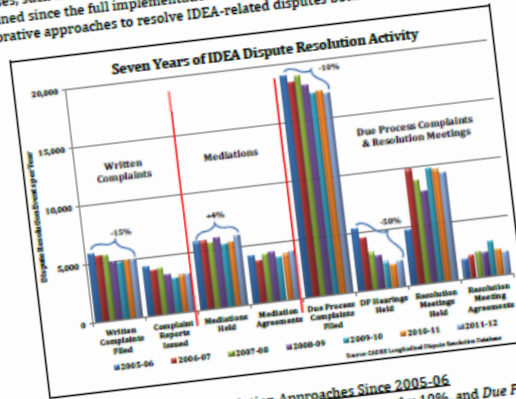
- State 8-year summaries: Sent this week to each State Director of Special Education
- National 8-year data summaries: Available on the CADRE Website (state summaries there also)
- Uses: Individual state evaluation and planning; trends; patterns across DR processes; childcount, regional, and other comparisons
- Data tool



Trends in Dispute Resolution under the Individuals with Disabilities Education Act (IDEA)

Updated December 2013

The IDEA requires states to offer formal processes to resolve conflicts arising between parents and schools. Use of adversarial processes, such as *Due Process Complaints*, grew from the 1990s through 2005. Use of these formal processes has declined since the full implementation of IDEA 2004. Much of that decline results from the use of early, more collaborative approaches to resolve IDEA-related disputes between families and schools.



- Trends in the Use of IDEA-required Dispute Resolution Approaches Since 2005-06**
- *Written Complaints* have declined by 15%, *Due Process Complaints* by 10%, and *Due Process Hearings* by 58%. These more adversarial practices often involve significant financial costs for parents and schools and result in emotional stress and relationship damage.
 - *Mediations Held* have changed little. Mediations related to due process have increased (10%), while the use of mediations not related to due process have decreased (-2%).
 - *Resolution Meetings Held* have changed little since 2006-07. Agreement rates from *Resolution Meetings* remain low, averaging about 26%.
 - *Due Process Complaints* resolved without a hearing or pending at the end of the school year have increased from 72% to 87%.

- Support for More Collaborative Dispute Resolution Approaches**
- States are making significant investments in early collaborative alternative dispute resolution activities:
 - 41 states and jurisdictions are providing, developing, or exploring the use of IEP facilitation;
 - 29 of these currently offer IEP facilitation statewide (compared to 8 in 2005); and
 - 23 states have supported other activities, including local capacity building, ombudspersons, stakeholder training, advisory opinions, and other innovative approaches.
 - States that offer facilitators for *Resolution Meetings* experience higher written settlement agreement rates from those meetings - about 50%, compared to 26% nationally.
 - Some states indicate that the use of collaborative approaches is linked to less use of formal processes, leading to fiscal savings, increased system efficiencies, and improved school-family relationships.

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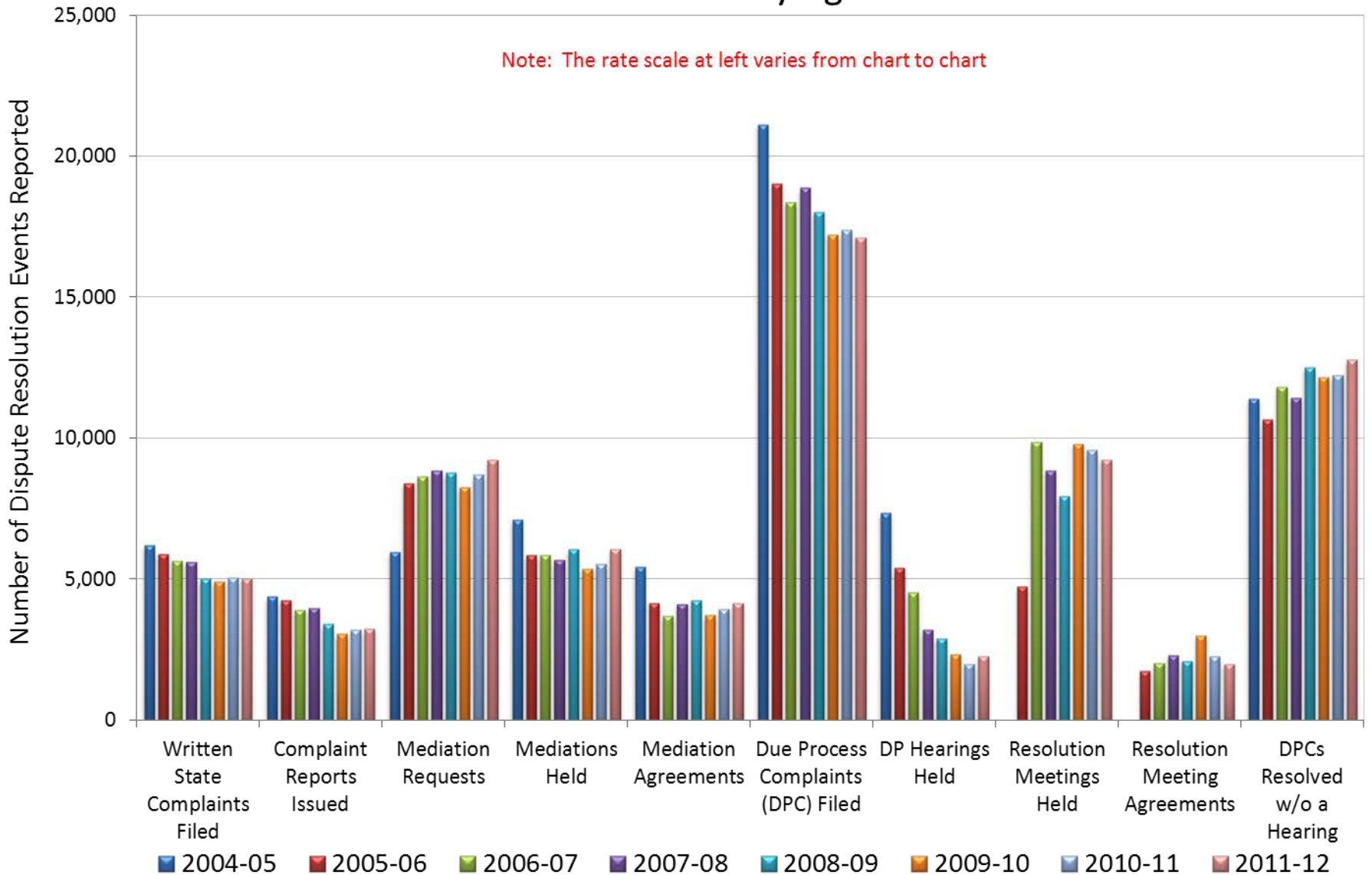


Trends Summary available at:

[http://www.directionservice.org/cadre/pdf/Trends DR IDEA DEC2013.pdf](http://www.directionservice.org/cadre/pdf/Trends_DR_IDEA_DEC2013.pdf)

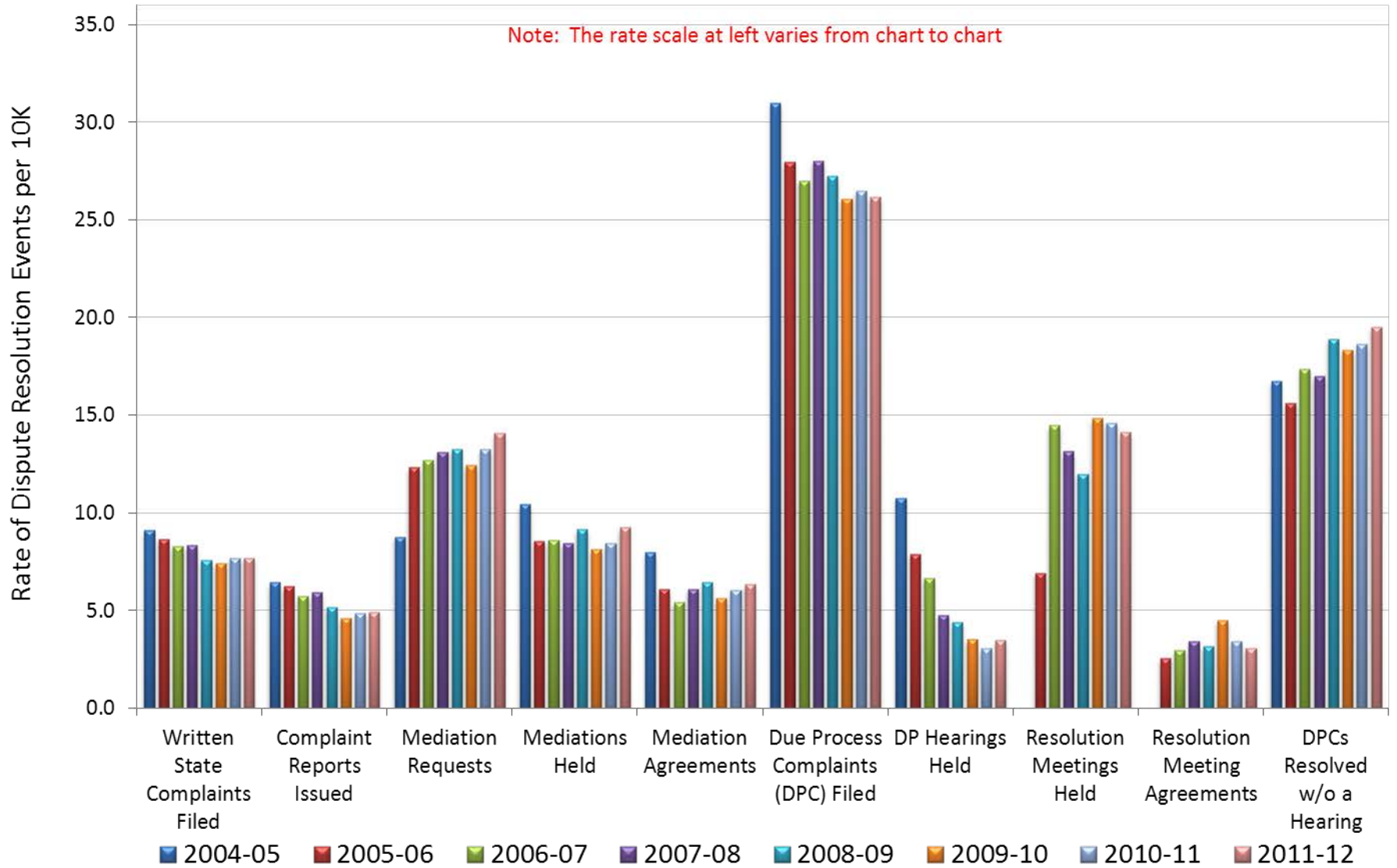


IDEA Dispute Resolution Activity: U.S. and Outlying Areas





IDEA Dispute Resolution Activity per 10K Childcount: U.S. and Outlying Areas





Big Picture Trends

(Numbers of DR Events)

- *Written State Complaints Filed*: down 15%; *Complaint Reports Issued* down 6%
- *Mediation Requests*: up (improved tracking?)
- *Mediations Held*: stable, up about 4% in last 7 years
[2004-05 to 2005-06 Mediation drop – “hydraulic impact” of resolution meetings?]
- *Due Process Complaints*: down 19% since 2004-05; down 10% since 2005-06
- *Due Process Hearings Held*: down by 58%
- All of these activities look more stable for the last 4 years – maybe finding new stability
- Still don't know how *Due Process Complaints Resolved without a Hearing* are, in fact, resolved



FY 2010 to FY 2011 Changes By Number of States

	# States with more events in 2011-12	# States with Same # of events [+/- 1 both years]	# States with fewer events in 2011-12
Written Complaints Filed	25	5	27
Written Complaint Reports	23	8	26
Mediations Held	26	9	22
Mediation Agreements	24	9	24
Due Process Complaints Filed	25	2	30
Due Process Hearings Held	12	24	21



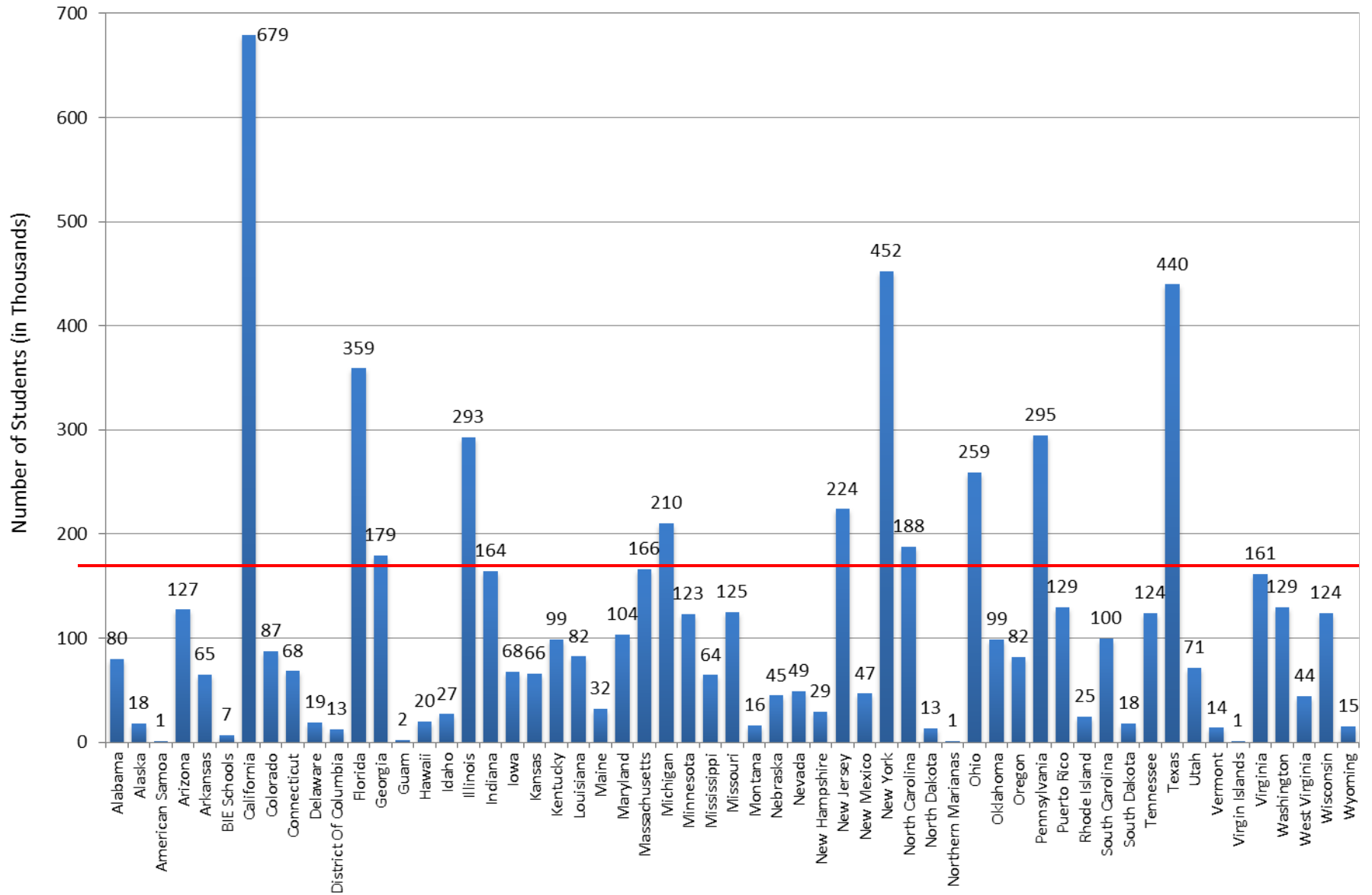
Total Activity Changes

Comparing FY 2004-07 to FY 2008-11

	# States with more events in FY 08-11	# States with Same # of events [+/- 1]	# States with fewer events in FY 08-11
Written Complaints Filed	14	3	40
Written Complaint Reports	14	1	42
Mediations Held	20	6	31
Mediation Agreements	22	5	30
Due Process Complaints Filed	18	4	35
Due Process Hearings Held	7	9	41

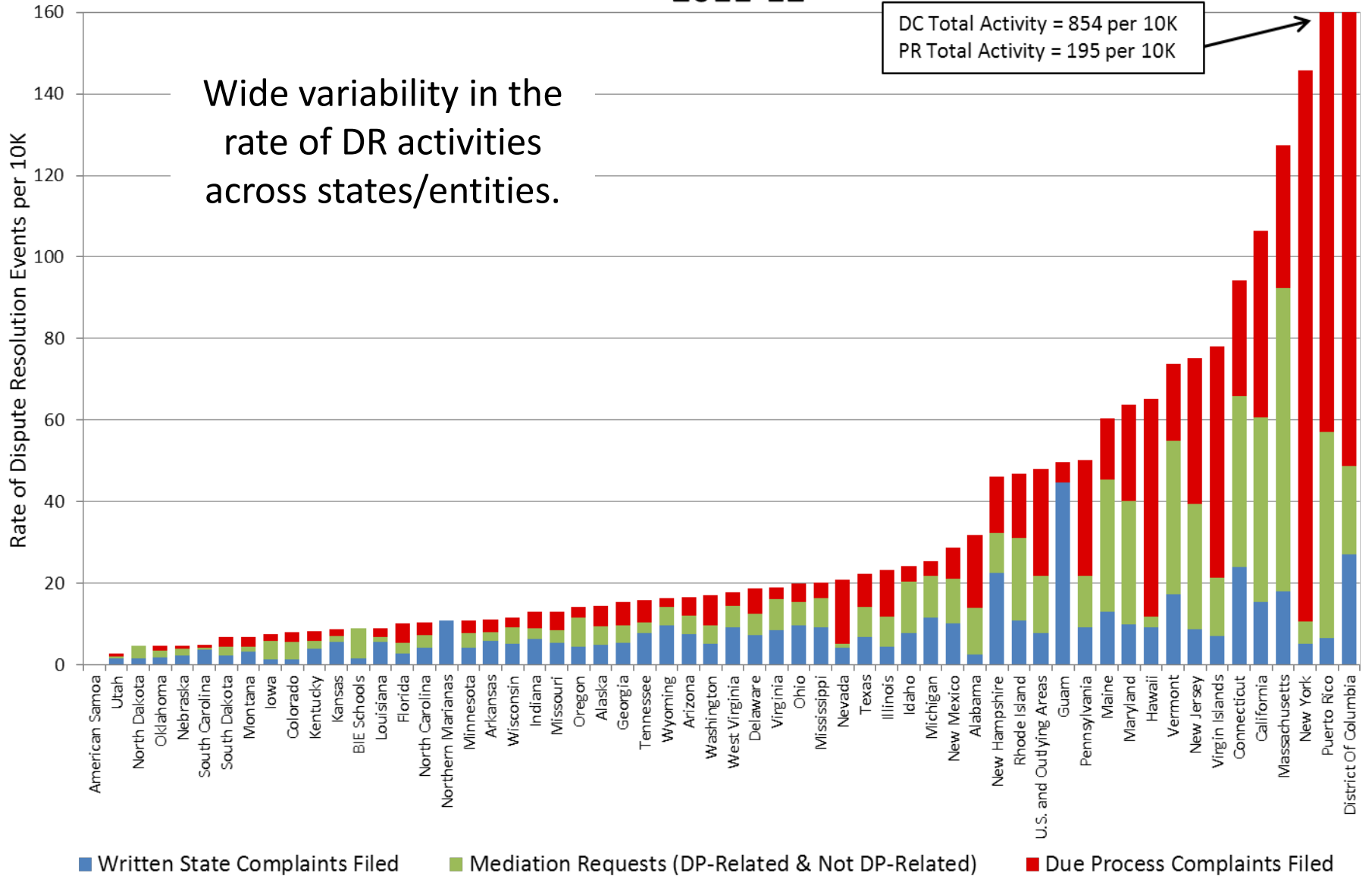


Special Education Childcount by State (Ages 3-21): 2011-12





Total Dispute Resolution Activity by State/Entity per 10K Childcount: 2011-12



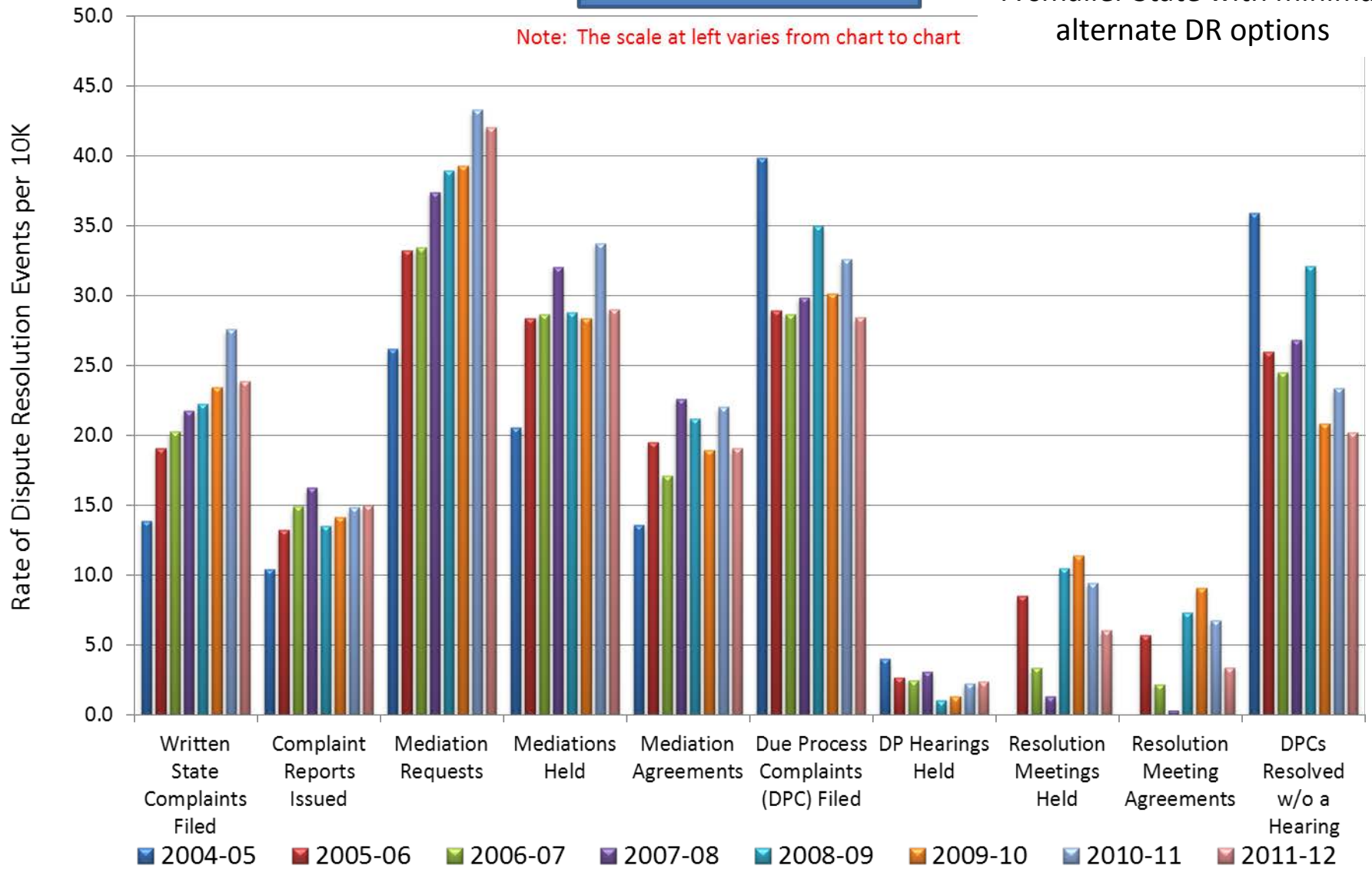


IDEA Dispute Resolution Activity per 10K Childcount:



A smaller State with minimal alternate DR options

Note: The scale at left varies from chart to chart



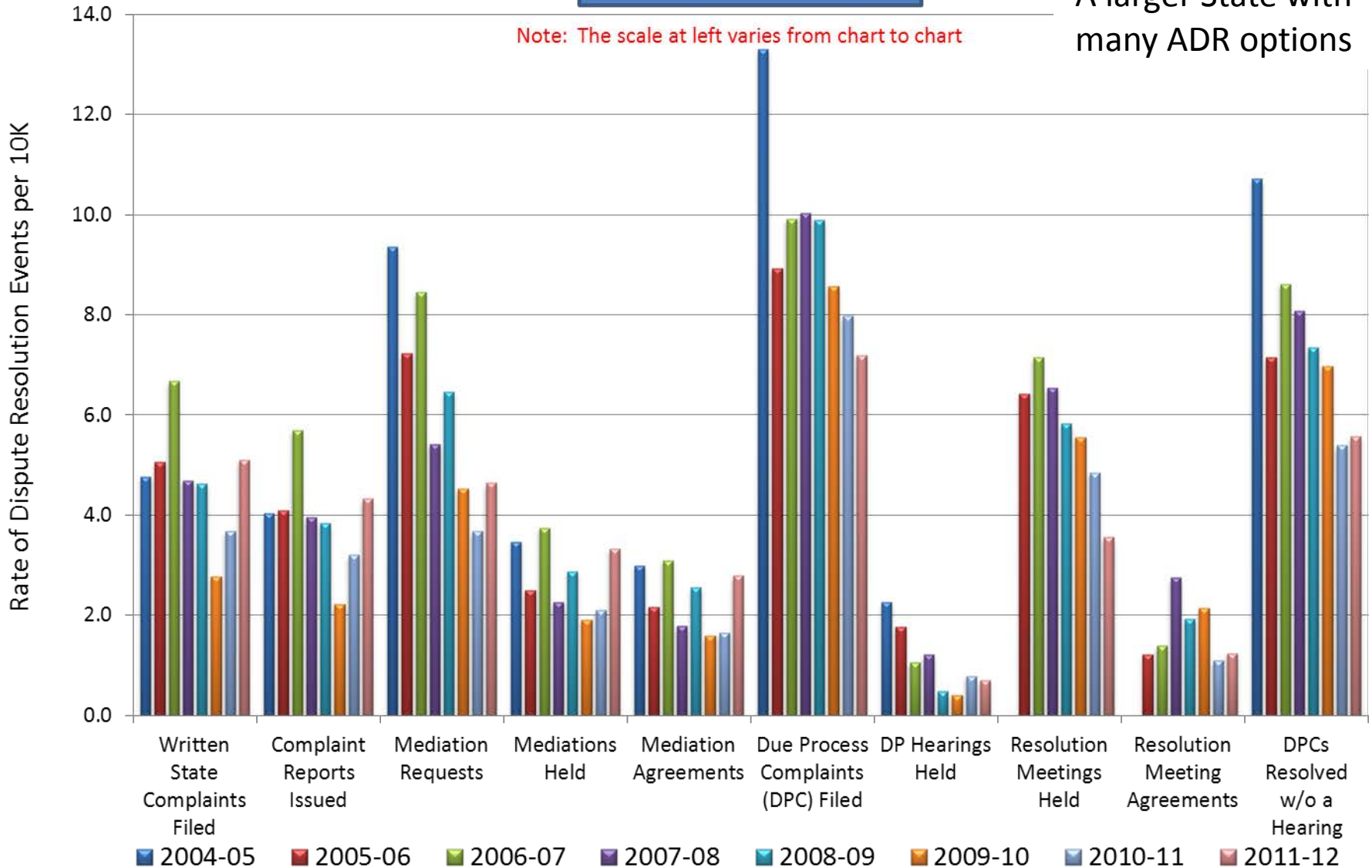


IDEA Dispute Resolution Activity per 10K Childcount:



A larger State with many ADR options

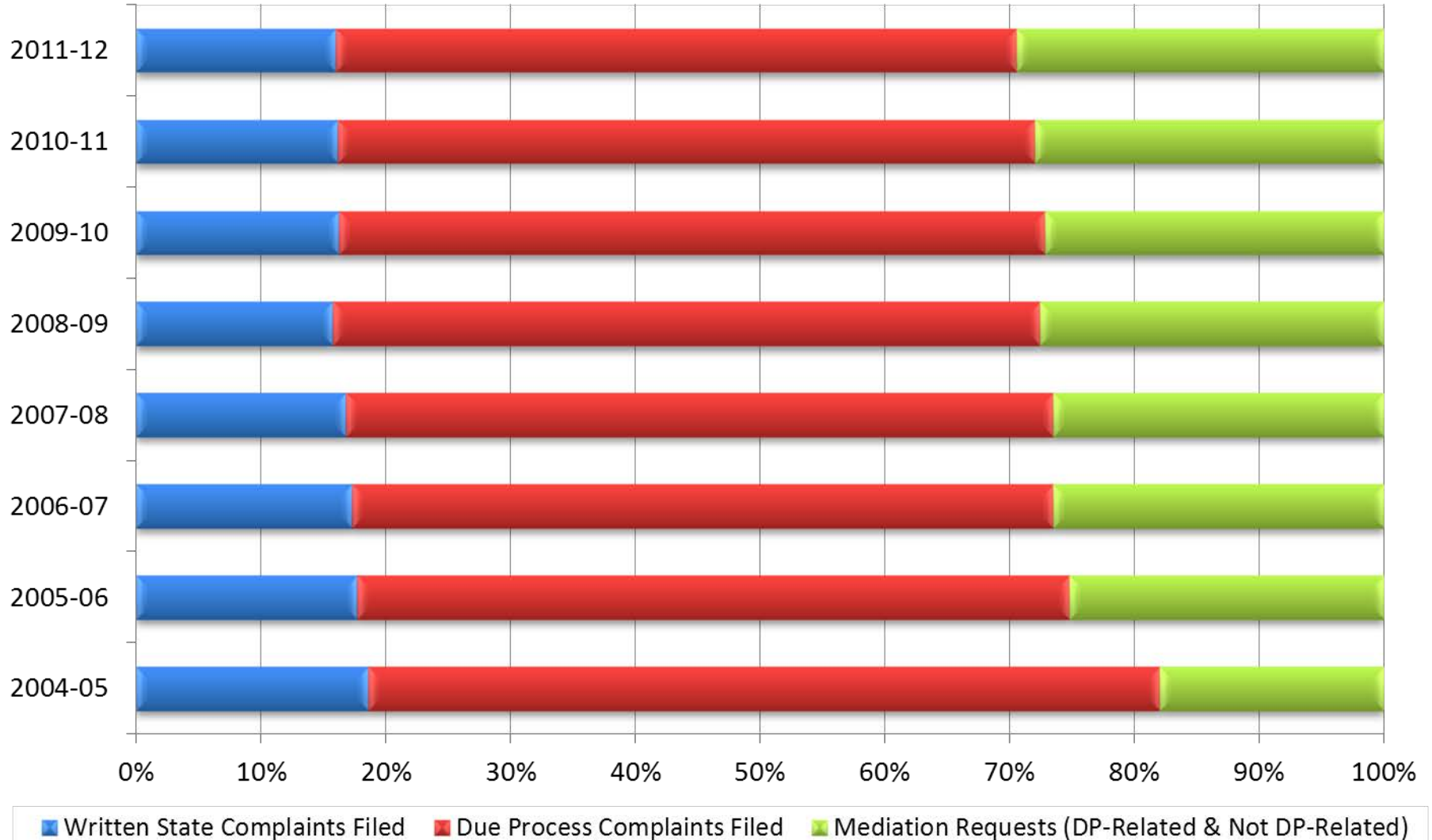
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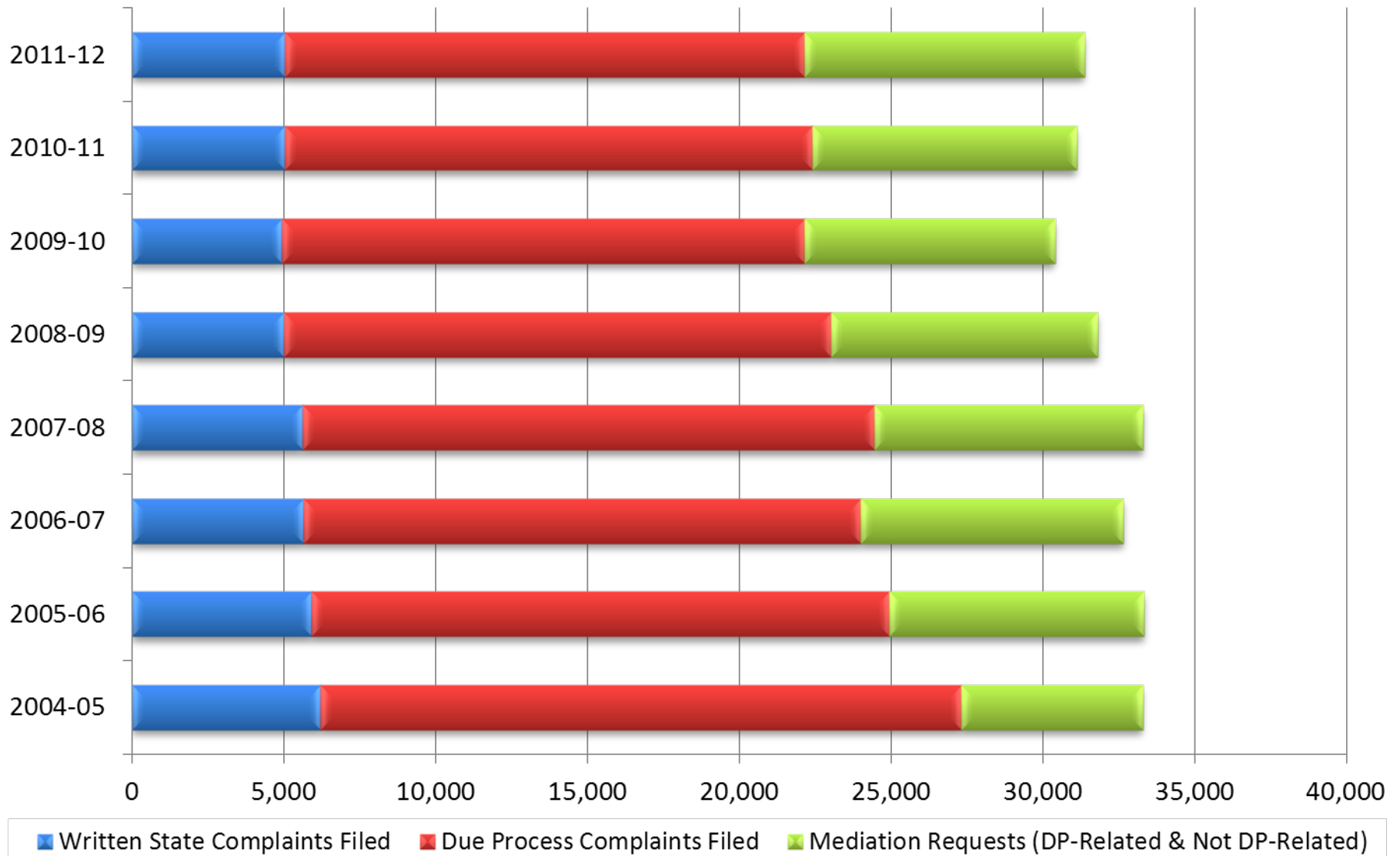
Relative Use of Dispute Resolution Options: U.S. and Outlying Areas

Note: 100% = The sum of requests for all dispute resolution processes



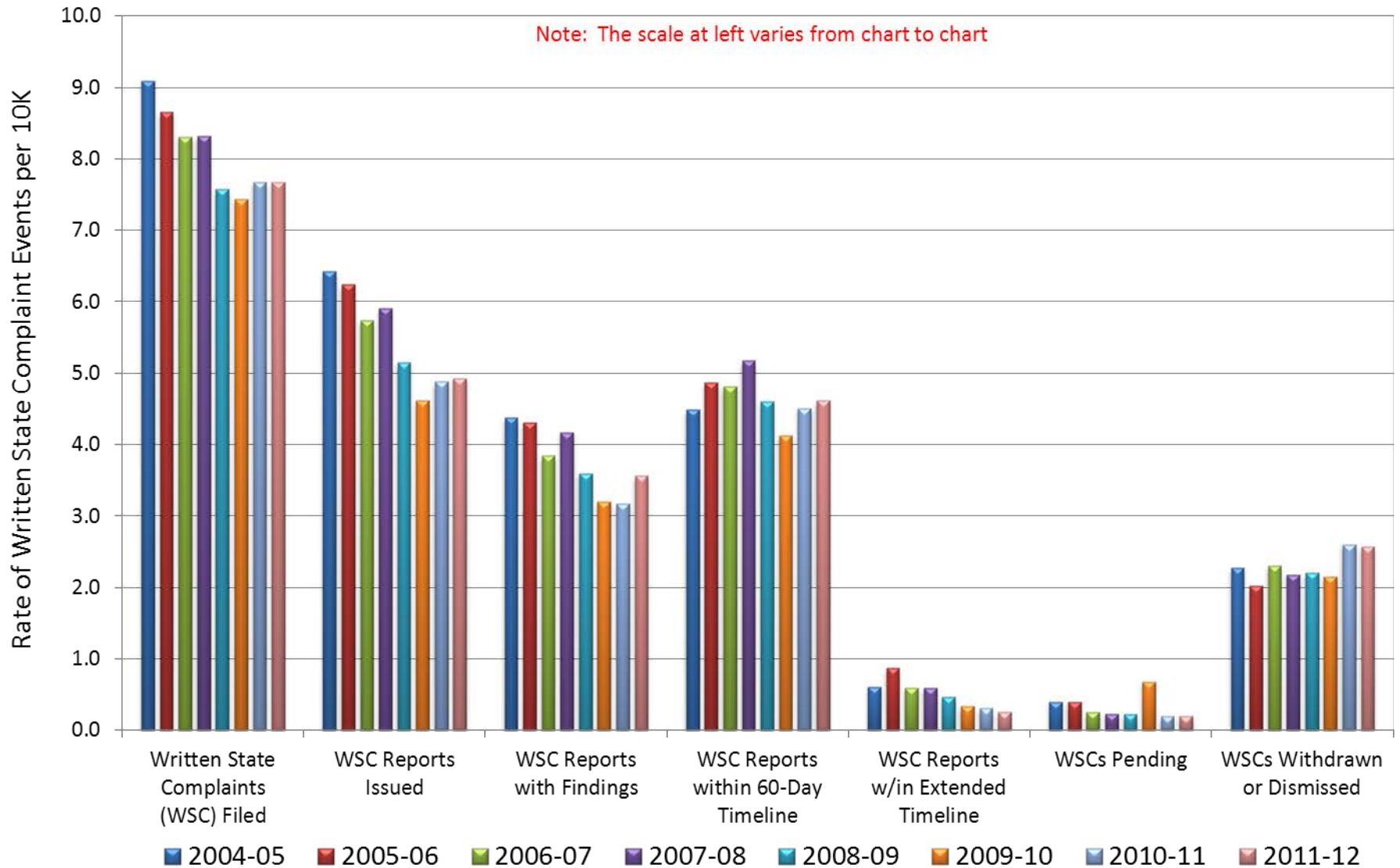


Aggregate Use of Dispute Resolution Options: U.S. and Outlying Areas



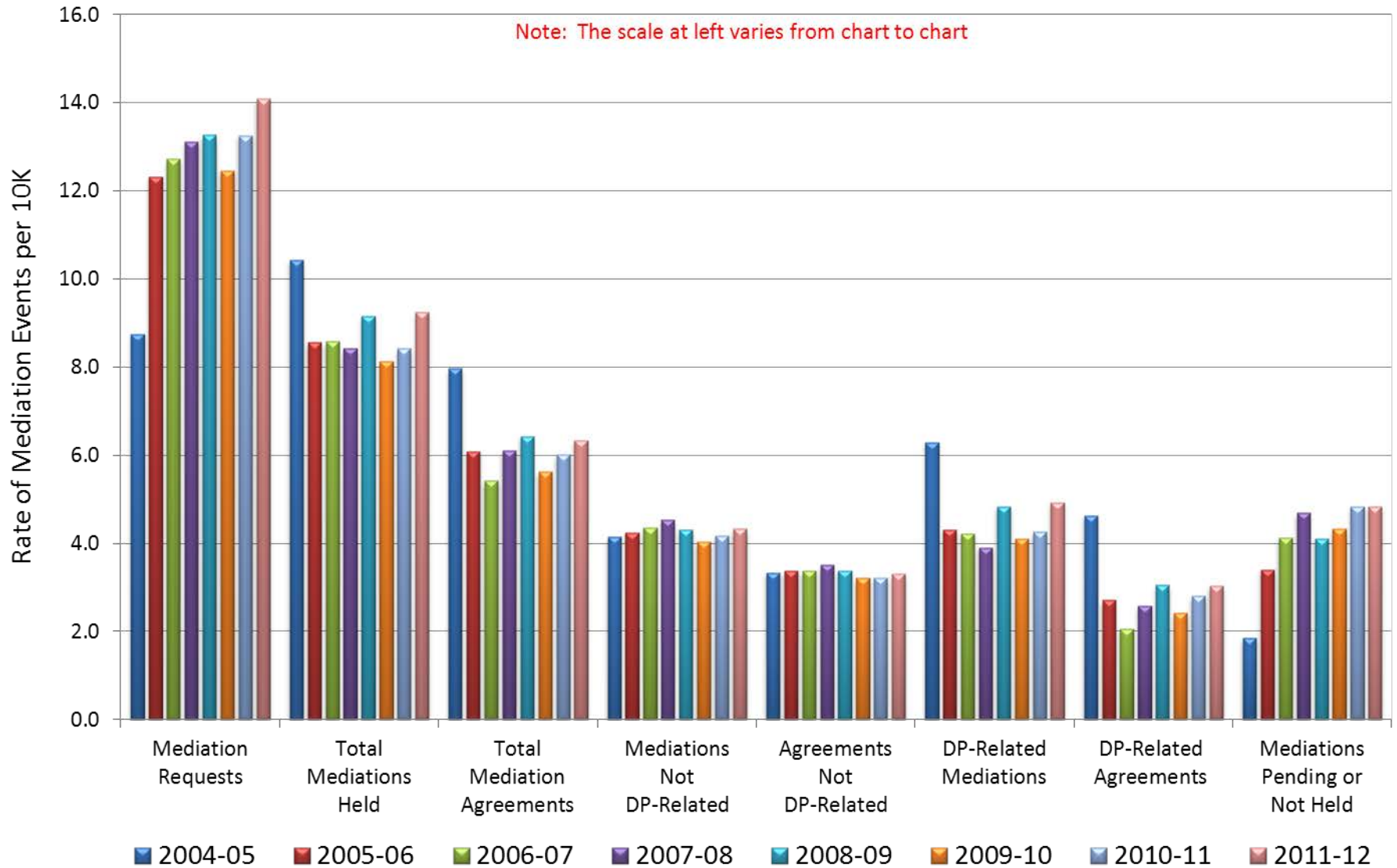


Written State Complaint Activity per 10K Childcount: U.S. and Outlying Areas





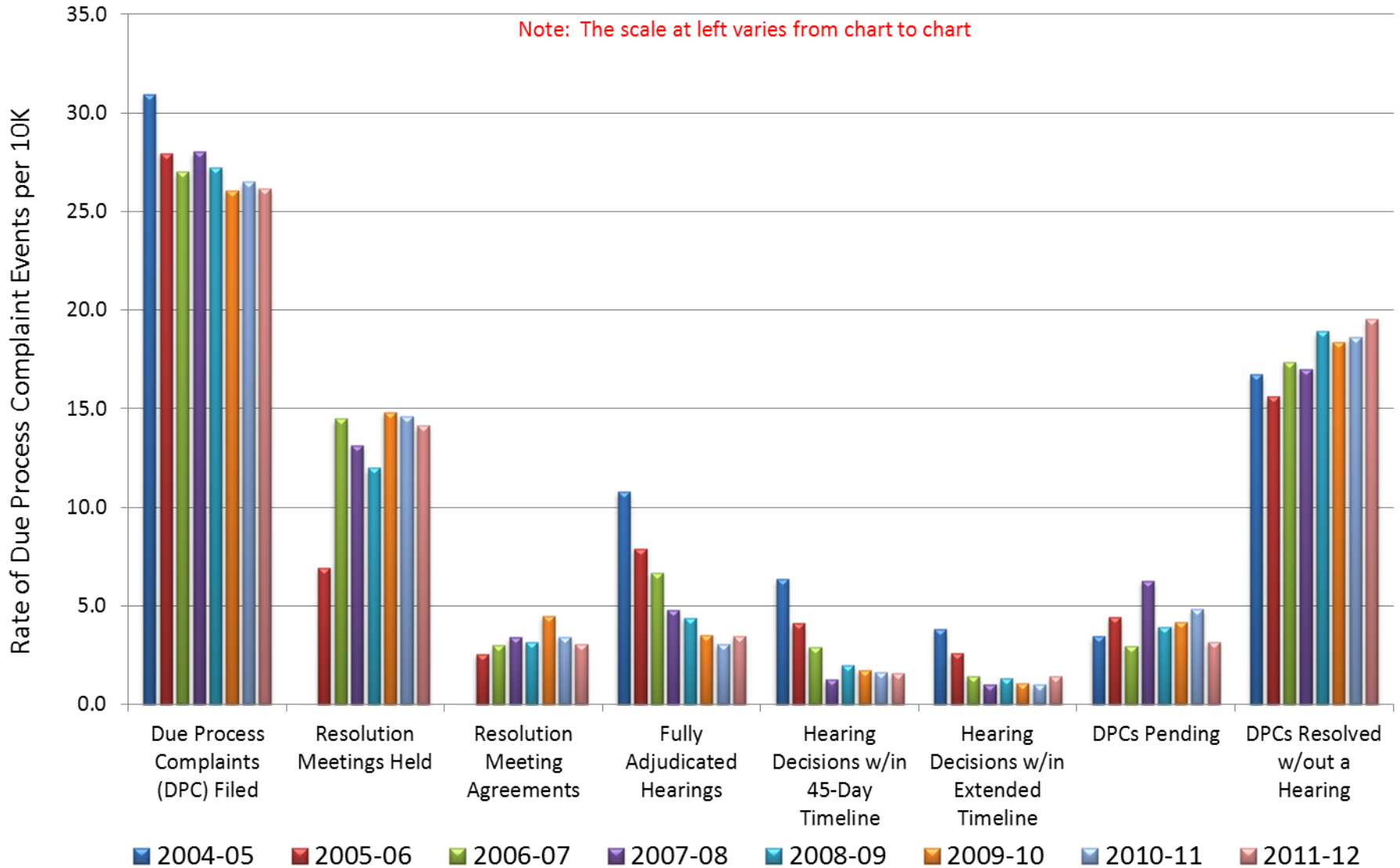
Mediation Activity per 10K Childcount: U.S. and Outlying Areas





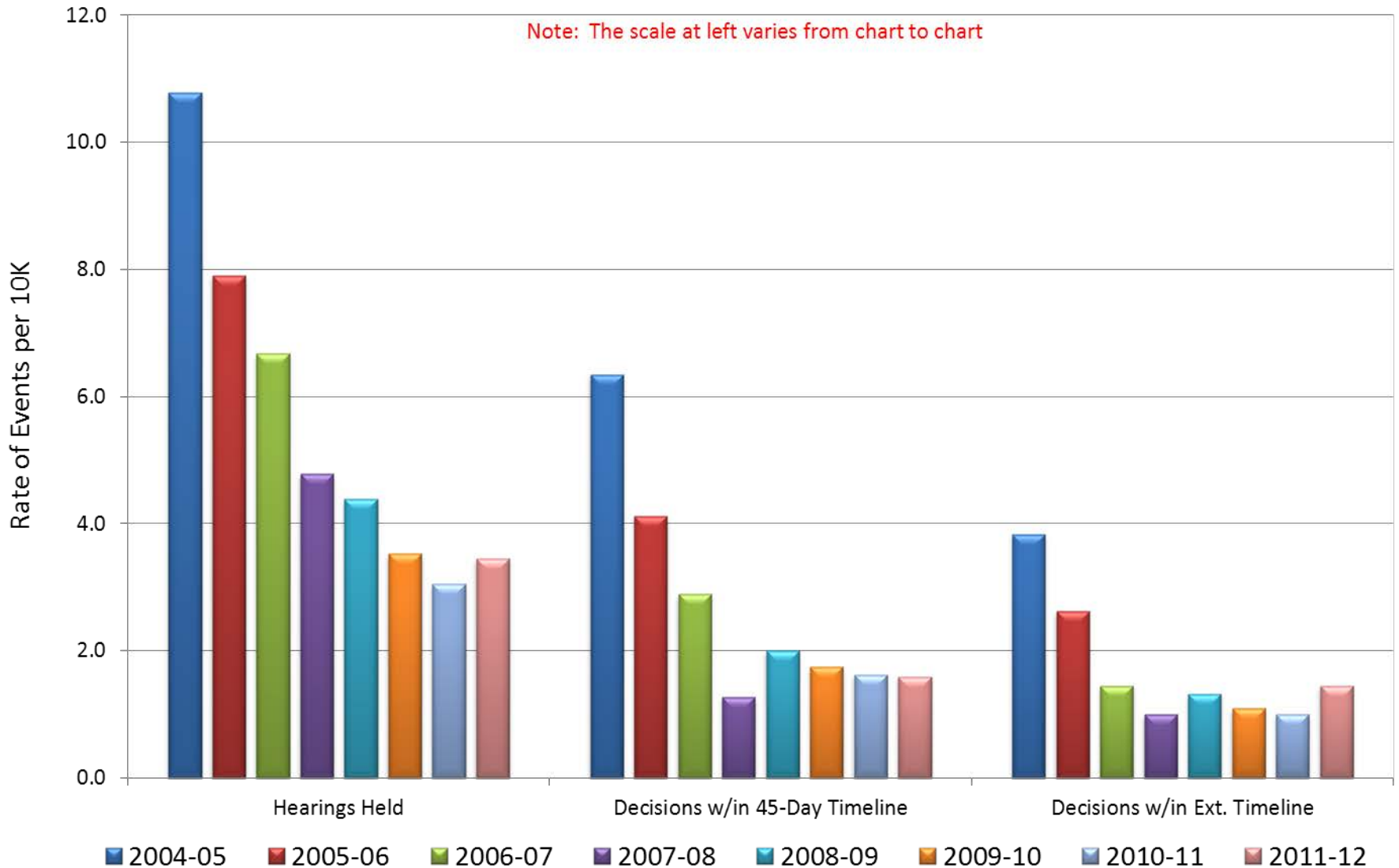
Due Process Complaint Activity per 10K Childcount: U.S. and Outlying Areas

Note: The scale at left varies from chart to chart



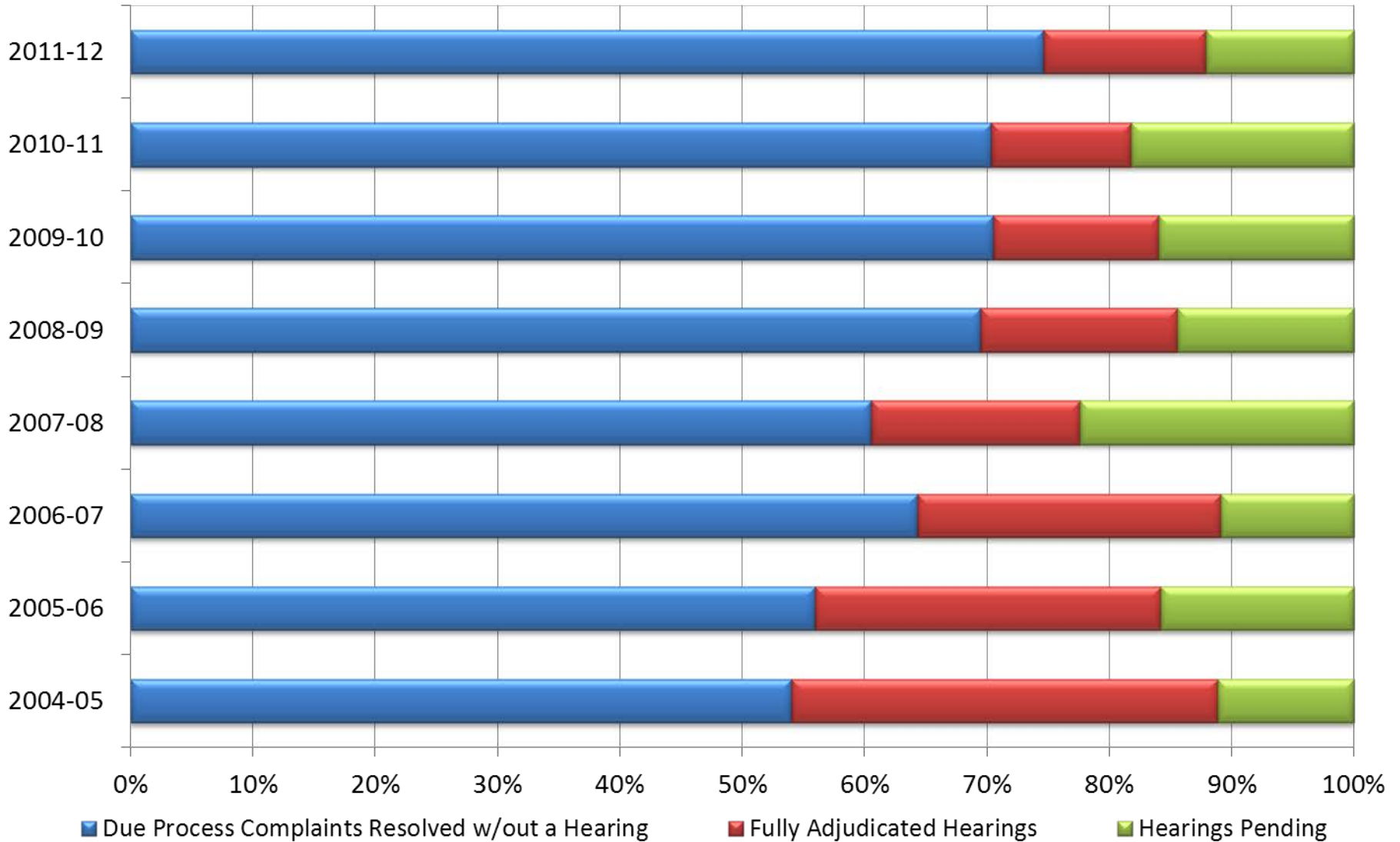


Timeliness of Due Process Hearing Decisions per 10K Childcount: U.S. and Outlying Areas





Relative Disposition of Due Process Complaints: U.S. and Outlying Areas





Ways to Use Data

- Compare Table 7 data across similarly-sized states (childcount) and region (regional differences)
- Dig deeper into individual data elements
- Using existing information to think about:
 - DR system use (Which processes are being used by whom? Which are being declined?)
 - Planning, implementing, and evaluating early conflict resolution/collaborative processes



Dig Deeper Into Data Elements

Look at the number of hearing requests that were 'resolved without a hearing' and consider...

What's actually happening with those cases?

- For settlements, at what point are the parties reaching agreement?
- Was there a 3rd party involved?
- Withdrawn? Dismissed?
- How much more do states know?



Using Existing Information

DR system use – which processes?

- What types of issues are being raised in Due Process Complaints, Written State Complaints, & Mediations?
- How are people resolving disputes?
- What type of solutions are being agreed to?
- Who is requesting/declining mediation?

Planning, etc., for early conflict resolution and collaborative processes

- How long was there an issue prior to a complaint being filed?
- Stakeholder engagement and professional development opportunities



Data Drill Tool

Table_7_APR_Data_Drill_Tool 2011-12 Rev 23Sept2012 [Compatibility Mode] - Microsoft Excel

Security Warning: Macros have been disabled. [Enable Content]

A3 ~ This page remains an idea under development ~

	A	B	C	D	E	F	G	H	I	J	K	L
4												
5	Why did the parent/disputant file the DR action or request participation in a DR process?											
6		Enter the number of cases in which each issue was part of a Dispute Resolution Process										
7	Major Filing Issues:	Written Complaints	Due Process Complaint	Mediation	Other ADR Process							
8	Issues not previously addressed through formal dispute resolution											
9	Failure to implement IEP											
10	Failure to implement Corrective Action (SEA monitoring)											
11	Failure to implement Corrective Action (prior complaint report)											
12	Failure to implement Hearing Officer Decision											
13	Failure to implement Mediation Agreement											
14	Failure to implement Written Settlement Agreement (reached through the resolution process)											
15	Failure to implement another type of Settlement Agreement (reached after or outside the resolution process)											
16												
17	Did the parent/disputant use the same or another DR process in this or a prior year?											
18		Dispute Resolution Process										
19	Complainant/LEA Status:	Written Complaints	Due Process Complaint	Mediation	Other ADR Process							
20	Repeat Complainant - Same Year, Same LEA											
21	Repeat Complainant - Prior Year, Same LEA											
22	Repeat Complainant - Same or Prior Year, Different LEA											
23	New Complainant in an LEA with some other DR activity for the year											
	New Complainant in an LEA with no other DR											

Ready



How can CADRE help you?

Contact us!

cadre@directionservice.org

(541) 686-5060

Let's talk about what
would be helpful to your state!



Questions/Discussion



Thank you for joining us!

Please answer the poll questions on your screen.





Upcoming Webinar:

Visiting a House on the Other Side of Town

April 24th @ 11:30am-12:45pm PST

Register Online:

www.directionservice.org/cadre/lakewebinar.cfm