

**A CADRE Webinar**  
**Dispute Resolution National Trends: 8 Years of APR/Section 618 Data**  
**Richard Zeller & Amy Whitehorne**  
**February 13, 2014**  
**Transcript**

MARSHALL PETER: Thank you for joining CADRE's webinar on Dispute Resolution National Trends: 8 Years of APR/Section 618 Data. Today's webinar is one in a continuing series of CADRE webinars. We have -- those throughout the webinar. Our presenters today are CADRE's very own policy analysts, Richard Zeller and Amy Whitehorne. Amy Whitehorne joined CADRE as a policy analyst in October 2011. In addition to Policy Analysis, she provides technical assistance on the procedural safeguards and dispute resolution provisions of Parts B and C of the IDEA. Prior to joining CADRE, Amy practiced law in Vermont, where she specialized in Education Law and Policy. She has worked with an array of individuals and organizations on various education issues, including elementary and secondary education, special education, post-secondary education and workforce training. Our second presenter, Richard Zeller began his career working in a residential institution for children with severe cognitive disabilities. In 1976, he became the director of the Northwest Direction Service Consortium at the University of Oregon. In this capacity, he led the development of four Direction Service Projects in the Northwest, including Lane County Direction Service, the host agency for CADRE. He left Direction Service and returned to the University of Oregon in 1982 where he was appointed Director of the University's Western Regional Resource Center in 1985. For almost 20 years in that capacity, Dick worked with dozens of state directors of special education, hundreds of agency personnel, parent center leaders, consumers, administrators and teachers. In 2004, he retired from the University of Oregon and has served as Senior Policy Analyst for CADRE since. I have to say before I turn it over that Dick has been my dear friend and mentor since the very beginning of my career where he hired me. And I can't say enough good things about Dick or Amy. So with that, I'm going to turn it over to them and I'll be talking with you later on towards the end.

RICHARD ZELLER: Thank you, Marshall.

AMY WHITEHORNE: Thanks, Marshall.

RICHARD ZELLER: We've moved to share screen and we should be going to a full screen version of the slide show here. One of our problems last time may have been related to some degree to the inability of this Adobe system to reliably display PDF files, so we're showing this directly from the PowerPoint. But let me advance to today's objectives. We're going to give you a little bit of background. Amy and I will share this presentation. I'll give you background on Table 7, the data that is reported annually from states to OSEP on Dispute Resolution Activity. We'll do a little bit of an overview sharing some information on state reports that were sent February 4th to each state. And national summaries, these reports have also been displayed. They're also available online and we will share that with you a little bit. And then some quick looks or more in-depth looks at some of the national numbers and this -- some use of pattern slides, some information drawn from that data across the eight years. Amy will share with you some ways to look at the data and make decisions about how you can focus your improvement efforts. And I will demonstrate to you a data tool that you might use at the state level to explore your own data, and some of the other national data, and look more deeply in ways to inform your improvement efforts. So the background, CADRE has been since 2002-2003 school year, reviewing the data that comes in from states to OSEP. That data has come in, in a variety of ways. It was first an attachment to annual performance reports, then a Table 7 attachment to the performance reports, then 618 data submitted to Westat and the Data Accountability Center, and now, it is data that is reported to the EDEN System. But throughout that, we've been examining the data each year, looking for impossible or improbable values based on the definitions. We've looked at the instructions and made sure that when states submit things, they make sense with respect to the instructions. That's become an easier and easier task over the course of the last eight years as states have become more consistent in the way they submit the data, fewer and fewer of those kinds of problems. In fact, only one last year out of several thousand data elements, so that's pretty good. CADRE handles this data a little bit different in the longitudinal database. For one thing, we compile it so we can look at it over time more easily than the data that's currently available online from other sources. We also don't freeze the data. That's a necessary thing for OSEP to do in order to make determinations, which they do based on these data of state compliance or areas where they want to focus on

conversational with states. So they freeze those data before they make those annual determinations. And the DAC or now EDEN will freeze the data for purposes of annual reports to congress. We're a little bit freed from that constraint, so if we find data that states would suggest is more accurate than what they submitted, like they may have had a finding of invalid data and they want to correct it, we'll work with them to update the data in our data set. Again, there aren't really a lot of examples of that. There are few differences that we have from the data that is available through ideadata.org and OSEP -- limitations of the data on Table 7 -- well, let me go back and repeat. If states have more accurate information than what has been submitted in the 618 or the EDEN data at any point, we will work with them to make that data available in this national longitudinal data set. And again, that's a pretty rare occurrence, but it has happened a few times and it makes a difference in some of the - particularly individual state reports and state to state comparisons. So limitations of the data, one is that the data -- are we -- is this background still...

AMY WHITEHORNE: Uh-hmm.

RICHARD ZELLER: Okay. Sorry. I'm to this slide. I should have advanced that. It's not a complete picture of the events, so Table 7 only reports what was begun during the reporting year and then the disposition of those activities as of June 30th, for mediation and due process, as of August 29th for written state complaints. So written state complaints tend to show fewer pending cases than mediation or due process and that's just the quirk of having different disposition dates in the reporting system. Data quality has improved over time, I think as I made allusions to. Some elements I think are particularly an early-years problematic, mediation requests and written state reports -- written state complaint reports with findings. Those data elements I think are not as clean as they could be. Some data elements are accurately reported, perhaps, but may hide as much as they reveal. And I'd say resolution meetings -- resolution meetings or due process hearings resolved without a hearing and pending, since we don't find out really resolved without a hearing is a huge portion of the activity. And we don't find out what happened to those in detail. We can make some guesses, but it'd be nice to know more. I'll just flash this slide up for those of you who would like to think about how these data work over the course of this many years. This is the crosswalk of the data elements. Some

data elements have been -- have been reported in earlier years, and they're now calculated, and some have been calculated in earlier years, and now reported. And some of the elements that we include in some of our analyses are just calculated based on other elements, but if you want to, you can look at that slide in more detail. One of the comparisons we make -- or one of the values metrics we make to use for comparisons across states is activity per 10,000 child-count, so these values answer the question - for every 10,000 students in Special Ed, how many of a particular type of dispute resolution event are there? And that formula is just the number of events divided by child-count for the state, or region, or whatever the underlying basis is, times 10,000. The reason that helps is it allows comparisons across states of different child-count. I'll show you that in a minute. Where it's less helpful is in the entities that have child-counts less than 10,000. It makes the activity appear to be more frequent than it is. And if you have a very small child-counts, in some of the entities, it can be really misleading because one event can make that rate per 10,000 jump a lot -- many, many times. So State and National Dispute Resolution Summaries that we do State 8-year summaries. We sent them out, as I mentioned earlier, to the State Directors of Special Ed on the 4th of November. They're also available online as our National 8-year Data Summaries, available at the CADRE website. The uses of the -- uses of these include state -- individual state evaluation and planning, looking at trends, looking at patterns of use across processes, comparing your state's activity to states with like child-count, or states from another region, or your region, or other comparisons you maybe interested in. And again, we'll get to the data tool, where some of that information is used. Also available online is a summary of activity under IDEA and that's on a one-page handout. You can go to this url and grab that if you want it. It makes an easy way to share the biggest picture data with others in your state, your state advisory panels and so on. So that document is available online. Let me take you through a little bit of the national data. And you can see in this slide sort of the big -- the big elements. So complaints filed, written complaints filed, and complaint reports issued are two major indicators of how much activity is involved. Certainly receiving a complaint - a filed complaint takes some effort actually completing a report is a significant investment. Mediation requests, mediations held in agreements, due process hearings filed. So -- and so if you look across the major filing activities of written state

complaints at about 5,000 mediation requests, about 7,500 - 8,000 or so, and then due process complaints of around 17 -- 16, 17 -- 17 or 18,000 sort of across all the years. We're looking at some 30,000 kind of activities per year across all of the jurisdictions. Now, this is the raw data and I'm going to show you next the data per 10,000. And watch the -- watch the vertical bars. Not much movement, right? Not much movement. So when you're looking at -- sorry, when you're looking at the total numbers, that's that first slide, you're seeing a shape that really is very similar to the rate per 10,000, but the rate per 10,000 gives you a better idea of how much this activity is related to child find. And that's the reason the bars shift a little bit. Child finds changed over time. And each one of these bars is based on total activity, divided by the child-count for that school year, so for '04-'05 would be the December 1st, 2004 child-count and so on. So we'll be referring now just to rate per 10,000. What you find from looking at those charts is that written state complaints filed are down about 15%. Complaint reports are down - issued - are down about 6%, mediation request are up. Some of that's improved tracking. That's why I said earlier I don't really put too much stock over time in mediation requests. I think there are problems in tracking mediation requests because not every state has a system that gets that information up to the state level as reliably as it might. Mediations held are pretty stable. They're up about 4% in the last seven years. There was a drop right after '04-'05, '05-'06, which I would attribute to the hydraulic impact of the institution of the resolution meeting process. Saw a lot more resolution meetings all of a sudden and we saw fewer mediations held, particularly due process related mediations. Due process complaints' down since 2004-'05, down 10% still from '05-'06, since there was big drop between '04-'05 and '05-'06. Due process hearings held down by 58%, huge drop. All of these activities look more stable for the last four years than they were for the first four, so maybe we're finding a kind of new stability in this activity in states. We still don't know how due process complaints resolves without a hearing are in fact resolved and that's one of those numbers we'd rather know more about. Another way to look at this is by the experience of states. So we just looked at the total number of activities nationally, but states with a lot of activity and that -- there are four or five states that account for the bulk of the activity across all of these areas. But if you look at the number of states who are seeing more events in just the last two years data, so from fiscal year

2010, which is the 2010-'11 school year to fiscal year 2011, which is the '11-'12 school year, we asked the question, how many states saw more events in that second -- you know, that most recent year, how many saw about the same, and how many saw fewer. So you can see more states are experiencing fewer events in written state complaints and due process hearings. In fact, in the last year, the -- these last two years, more states were seeing more mediation activity. So the national data doesn't express in the sum of -- it expresses the national total, but it doesn't give you a picture, necessarily, of how states, taken as groups, are experiencing change. Here's a similar look, but looking at the first four years of these data compared to the most recent four years, so from school year '04-'05 to '07-'08, so that's the fiscal year '04 to '07, and then the more recent four years, the sum of activity across these two periods, and you see here that most states are just experiencing fewer events overall across those years than in the first four years. So the general message here is more states experiencing less dispute resolution activity than they did four year -- for the first four years of this eight year period. Here's a chart of child-count by state and this is thrown in here so that you can kind of find your state. The states are all listed alphabetically at the bottom and you can see there's a wide variability in child-count from 679,000 students in California, down to one -- you know, 1,000 or so in the Virgin Islands. Actually, less than that, I think in American Samoa and the Virgin Islands, but quite a bit of variability. What you can do is find your own state on here and I just - - I'm drawing a line at an arbitrary location. If you were thinking of comparing yourself to states of like size, then if you're in Georgia, say 179,000, you might look at Indiana, Massachusetts, North Carolina, Virginia, those are states that are about the same size. Comparing yourself to a region, take Vermont at 14,000 or so and think that they're going to compare themselves to New Hampshire even at 29,000, states got twice as many students in special education or New York at, you know, 452,000. The comparisons of raw number activity just wouldn't tell you very much. So that's why we use rate per 10,000 and here is sort of big picture of written states -- state complaints filed in the blue portion of these bars, the green or sage, should we call that portion, is mediation requests, and the red portion is due process complaints filed. So here, the states are listed not in alphabetical order, but in total -- in terms of total complaint, total activity filed, so these are basically total filings. So you can see, if we included D.C. and Puerto

Rico in this chart, you would hardly be able to make out the detail of the other charts because they have very high levels of activity. But looking across the rest of the -- the rest of the states and jurisdictions, you can find yourself in here and then see how you compare to states of like size, if you look back to the previous slide, or where you fall compared to states in general. So I won't pick on anybody, but you can see -- I think when I look at this, what I see is from the far left, very low levels of activity, pretty low levels of activity, but things increase at a pretty consistent pace until you get somewhere around Michigan, New Mexico, Alabama. And then you have sort of a rapid increase in the rate of activities, so those activities from -- well, and here's the midpoint, the US and outlying areas, so that's kind of the national rate per 10,000. So you can get a sense of where you fall. And the -- and those hide pattern use differences that are really interesting to me. So here's an example of a smaller state that really doesn't have much in a way of alternative dispute resolution options. They have one thing they do to try to address activities at the point of filing. So basically, they're running the standard required processes that IDEA requires. And you can see they have actually pretty high levels, relatively high levels of complaints, high activity under mediation, which is not typical, and they have due process complaints that actually are less than mediation. That's kind of unusual that states would have less activity and due process than mediation, but look at the scale. We're up to 50 events -- well, 40 events per 10,000 students in Special Ed in the state. And this is a state that has well more than 10,000 students in it. Here's another state that's a much larger state, but one that has invested heavily in alternate dispute resolution options that come even before filings. So this state goes at disputes with -- between families and schools by doing a lot of preventative activity. And they've invested very heavily in that and look what it gets them. The rates of activity here are -- the scale is a third as high, topping off at 14 where the other scale is up around topping - their activities were up around over 40 events per 10,000. So here you have a state that's made an investment, a large state that's made an investment and I could say that this state is in a -- is in a region where contention would not be unknown, and yet they're dealing with activities very effectively, and having pretty low rates of formal activity compared to the prior state I showed you. So when you look at this activity across states -- and all of these reports are available online for each individual state. If you want to compare yourself to

other states, you can go in and look at these and look not only at total activity, which that slide shows you, total activity, but go and look more deeply at patterns of use and maybe find other states like yours or states that you might like to compare yourself to, in terms of whether you're pursuing activities that help you get out of this formal stuff. There's another kind of display you'll see in the reports that we've provided and those are bar charts like this that are just another way of looking at the total relative use of activities. So this is complaints filed in blue, due process filed in red, and mediation request filed in green or lime. I was never really very good at colors. But each bar represents the percentage of total filings in each year, so you're looking at about - in 2004-'05, about 18% of total filings. This is for the US and all outlying areas, so this is the big national picture, 18% being complaints and then by 2011-'12, maybe it's down to about 16%, mediations having gone from also about 18% or maybe a little less than that to almost 30% in 2011-'12. So the shift here is apparent. I hope to you that you're seeing more mediation activity relative to due process filings and complaint filings as a whole. Again, this is the relative use of all activities. The next slide shows you the same data, but aggregate and so here you have that 33,000 to now -- 2011-'12, maybe to 31,000 events per year. The relative shape of the bars here within a year don't change however, so you're still looking at the same -- you're looking at bars that have essentially the same relative relationship as the prior group. But this gives you a sense that overall, we're seeing a decrease in activity over time in both complaints and due process and a relatively strong increase mediation requests. You'll also find in the reports that are distributed charts for each type of activity. So here we have written state complaint activity, again, per 10,000, so this is across the whole nation. And we're seeing those rates in the range of eight per 10,000 for filings. Five to six per 10,000 for reports issued and so on, relatively low levels of pending. These are all data elements required of Table 7, so these are -- this is the complete report version. You see the same thing for mediation, so total mediations requested now ranging up 12 to 14,000 mediations held around eight or nine, total mediation agreements around six per 10,000. Pending -- because the cut off on this chart for reporting, the cut off on the table is June 30th, there's a higher rate of pending here than you would find for -- than we saw for a complaints -- written complaints filed. Same situation with due process complaint filings, they're the highest



rate nationally, again, still up over 25 per 10,000. That's impacted in fact by some states that have extremely high rates. So just because your state is under 25 per thousand -- per 10,000, isn't necessarily a signal for joy and happiness. You probably ought to compare yourself to others from your region and others of like size states. Again, we see the big number over here was resolved without a hearing and we know that that includes resolution meeting agreements, but if you look at resolution meeting agreements here three -- you know, three or four and a half, maybe per 10,000. And over here, we've got three or four times that many are resolved without a hearing. So we just don't know exactly what resolved without a hearing means. If you and your state want to look more deeply at that, that would be a good thing to do because you probably have the information. We don't. You'll also see in these reports charts like this that just cover timeliness. This used to be what was called performance indicator 17 and I realize that that is no longer -- I'm sorry, this isn't the performance indicator itself, but it's the data that would go into performance indicator 17. And you would look at -- we split out here decisions within a 45-day timeline and decisions with an extended timelines. And what impresses me is hearings held have dropped overall, but there's less reliance now, I think, on decisions within extended timeline, well except for 2011-'12, than there had been in previous years. So that's another comparison you can look at yourself, is what you're -- how you're doing with getting hearings done within a 45-day timeline, versus the use of an extended timeline. Here's the relative disposition -- back to one of these bar charts. And that's the -- looking at total activity, what's the - what's happening with the disposition of due process complaints for those filed resolved without a hearing. Resolved without a hearing has kicked way up over the course of these eight years, so that it's representing -- what -- maybe 75 -- 74% of all activity is resolved without a hearing by June 30th of the year. Unfortunately, pending is still up pretty high, almost as high as hearings. Now, the anecdotal data we hear from states is that pendings play out pretty much the same way the rest of the activity is. And so we've actually got that data from some states and that seems to be the case. You would know for your state. We really don't know nationally. So ways to use the data, I'm going to turn this over to Amy Whitehorne. And she's going to share that with you.

AMY WHITEHORNE: Thanks, Dick. So Dick mentioned this as we were walking through some of those earlier slides, is the importance of looking at total activity by 10K or 10,000 child-count, really helps to provide you with a more apples-to-apples comparison when you're trying to see sort of where your state fits in the picture as a whole compared with others and sort of where you might want to set goals for yourself -- for your state. And so, certainly we can -- we've provided to you in your state summaries a look at your state specifically. But if you are interested in having a look at your state with a regional difference emphasis or based on 10K child-count, we certainly can help you with that, so just let us know. Another way to use your Table 7 data and the information that's coming in to your -- into your systems, your dispute resolution system. It would be to think about the individual data elements that you're required to collect from -- for OSEP, but also other information that you might be getting alongside that. So things like who is -- who is it that's using your system? Who's making the request? Who's requesting mediation? Who's filing state complaints? At what point in the process are due process complaints being filed. We'll take a look in just a moment of thinking about some of those things a little bit more. And then how this information can be helpful to you as you're looking forward, you know, where is it that you really want to go with your -- with your system, with your state as a whole and thinking about it in the context of really the benefit to the children who are in a special education world, who are the beneficiaries of all of the good stuff that's out there. So -- working to really keep things on the collaborative level, to keep things positive so that schools and families are working together for the better, for the children. I want to take a minute too just to -- as an aside here, we haven't really talked much at all about Early Intervention Programs, Part C Programs. And quite frankly, there's not a lot of data that show when it comes to Dispute Resolution and Early Intervention Programs. There has traditionally been some activity around written state complaints and some activity with regards to mediation and due process. But in short, it's, there's not enough to really make the big sweeping comparisons as we can do with Part B, that said there's certainly a lot of information that we're talking about here today and Dick mentioned earlier, we're going to show you a data tool here towards the end. All of the information we're talking about certainly is still very applicable to Early Intervention Programs. I mean, just because you aren't receiving a due

process complaint or a mediation request or written state complaint, doesn't mean that you shouldn't do anything. Lots of double negative in there. So, still thinking about the things I'm going to mention here in the next couple of slides. Definitely applicable to both Part C and B and -- heck, there's lots of things to learn C and B from each other as well. So, thinking about digging deeper into the data elements that you're required to collect for OSEP that the pieces that you're reporting in your Table 7 and for Early Intervention Programs, that's your Table 4 data. You know, looking at that number for example of hearing requests that are resolved without a hearing. Dick pointed that out just a few slides back the bars on the -- or the columns on the far right. When hearings -- when hearings -- due process hearing requests are filed and ultimately a hearing never happens there's some disposition to that case but what actually is happening. We have a count for mediations that are related to due process and we can see the number of agreements that came out of those, same is true for resolution meetings and resolution meeting agreements. But there is an awful lot when we add up the resolution agreement numbers and the mediation agreement numbers for due process, there's still a whole lot of activity that's unaccounted for in that number of cases that are resolved without a hearing. So thinking about that information in a way that can be potentially beneficial to your system, you know, what's -- what's going on there? Why is it that cases are potentially being settled and they're not being settled with a mediation agreement or they're not being settled within the resolution period? You know, is it something that's happening at day 31 and so it's a technicality that it doesn't count as a resolution agreement because it wasn't in that first 30 days but that technically, you know, as far as you're concerned they resolved things so it's resolved without a hearing. So is that an issue? Is it that there was another party involved that somebody else that, you know, maybe there was a trusted party between the -- or non-party actually, a third party, a trusted individual that both the school and family felt comfortable enough to have involved. I don't know, maybe a counselor or some third party who was able to help the family and the school and potentially their attorneys work together on hammering out some sort of agreement, some more collaborative way of resolving the differences, and then the hearing didn't happen, so the case is withdrawn or dismissed. And then you've got the question of withdrawn or dismissed. Those two terms have different meanings in the legal

world and it's good to know what were cases that were resolved without a hearing actually withdrawn by a party or was it that a hearing officer dismissed a case based on the -- what was going on during the due process timeline period. There's a lot of other thing that's going -- a lot of other things that's going -- that are going on that you don't report to OSEP, but could be very informative to helping you think about more upstream activities, things that you might be able to do earlier to help people stay out of due process, you know. A question that we hear from time to time is the one of attorney's fees, you know, is it that people filed for due process and then suddenly realized how much it's going to cost and that that becomes a bar or that schools and families are trying to work together and, you know, ultimately they are able to settle the differences to avoid further attorney fees on either side. You know, is it that folks are -- in some of the states -- actually, one of the states that we've looked at a little bit more closely who we use to see more due process activity when they take a look at there system, they realized that folks were using due process to use the stay put function so that a parent would file due process to get that stay put -- it -- put in place on the IEP so that they had time to feel comfortable to actually work with the school through mediation as a resolution meeting, and then hammer out whatever the agreement was going to be and then they stayed out of a hearing, but they have to use that due process option in order to get the regulatory stay put on the IEP which gave the parent comfort. So, that state, in particular, actually changed their policies and allowed there to be a stay-put mechanism in place for mediation. So it really encouraged folks to divert from due process activity which is very expensive. It takes a lot of effort and -- oh, my, if you've ever been involved with one of those processes, it is extremely draining to everyone emotionally and quite frankly on the relationship between the family and the state -- or excuse me, between the family and the -- and the LEA, the school. So anything you could do to stay away from that as possible, you know, that state redirected that traffic if you will over to mediation which is a much happier, friendlier place to work together, continue to build relationship and move forward for the benefit of the child. So thinking about that example and, you know, you've got a lot of information that you may not be thinking about. Another thing is -- we sort of touched a little bit on that first one, you know, which processes are people -- are people using. What kind of solutions are people coming up with? You know,

if someone is filing -- or, excuse me, not filing, but requesting mediation. Who's requesting mediation, is it the parent or the school? And/or have they come together and maybe in an IEP meeting said, "You know what, let's get somebody else in the room. Let's try a mediator to help us out with this." And so the family and the school together request mediation services to work out the dispute that third party can be key. And then what kind of solutions are they coming to with that third party there that they couldn't quite get to, you know, the communications can be more difficult when it's just, you know, A and B across the table from each other. If you're able to take a look at mediation agreements in your state to see the sorts of issues that are coming up and the ways in which -- the creative ways in which people are working together in mediation to resolve those differences can be very informative. I would imagine that a lot of folks who are with us today are familiar with IEP facilitation which I personally think of in my own world a little bit as mediation light sometimes or IEP facilitation with a bonus or IEP meeting with a bonus. Sorry. Where you -- people who maybe were taking those issues to mediation which is still in process, you could actually maybe be avoiding the need to file for the formal mediation use and backup. Backup stream a little bit to the things that have to happen anyway, IEP meetings. If you've got a difficult situation with communications between a particular school district or an educator or families or -- there's just some -- there's some communication difficulties going on there and it might be helpful, you know, IEP facilitation which has been around for awhile but is really catching some speed, you know, bringing that third party into the room to really help facilitate the communications at the meeting, you're knocking a couple of things out of the park there. You're taking care of that required IEP meeting that has to be held anyway -- hopefully you're getting to an IEP that everybody agrees with at the end of the meeting or at least on the road there. And you've avoided the need to file for a formal process like mediation which is still more informal than due process, way more informal than due process. But you've also saved mediation for when maybe things are even a little heavier to deal with, you know, just thinking about it as sort of a scale or continuum and thinking about ways that you might be able to look at state complaints. You know, state complaints actually are a part of the general supervision regulations in the IDEA. They are designed to have information come into your State Educational Agency and

then really bring up a little yellow flag or some sort of notice that, "Hey, I think that somebody out there in the world thinks there's something going on. So here's a little flag to kind of catch some attention." Whether or not there's actually something going on, well that all is part of the process of determining whether there's an investigation needed and then whether or not a report gets filed, etcetera. But what is it that's coming in the door on that letter from that individual or organization. Is it about a single student or is it a systemic issue? And even when it's about an individual student, is it maybe also a systemic? Is it that you're getting letters about individual students in a single LEA around the common sort of issue? There's an opportunity there for your general supervision group to be working with your due process group to think big about, again, early conflict resolution and collaborative processes that might help avoid the need to step into those more formal processes, the written complaint. Back it up, have conversations with the LEA. If you find that you've got couple of letters floating in over the course of a year or so around a single issue that's an opportunity to bring in your stakeholders from that LEA, find out what's going on and think about training and professional development opportunities that would really be an opportunity for you to bring people together and move things along in a more positive path. Just a few tidbits to think on. I'm almost out of breath. I'm going to pass this back -- excuse me -- to Dick -- oh, we have question about the difference between filing and requesting. We used that terminology sort of interchangeably. We think of more requests when it comes to mediation because -- well, let's see. I'll answer this sort of light, but again if -- a request for mediation is you -- it could be on the phone, it could be on paper, but it may not -- it doesn't necessarily have a required avenue such -- it doesn't have a required avenue under the regulation. So states handle it differently. There are some states out there who don't actually have a mediation request form. They actually encourage people to call in when they want mediation. Whereas, in the regulations in the IDEA, the written state complaints, there is -- there are required elements that have to come in the door, it has to be in writing, it has to be signed, etcetera. For due process complaint, again, you've got required elements under the regs, under the law. So, it's a little bit of the difference. So we think of filing as relating to things of having more requirements so as the regs and requesting being that lighter, you know, could be on the phone, could be -- it

doesn't have the perfect regulatory outline of what has to be and we also use them somewhat interchangeably because, you know, we're cool like that. All right. So, Dick, you're going to talk to us about the data tool and some ways we might be able to dig into our data to think upstream?

RICHARD ZELLER.: I am.

AMY WHITEHORNE: Great.

RICHARD ZELLER: And thank you, Amy. Let me -- let me just say that Amy discussed a lot of play, a lot of ways you could start looking at your data that go beyond what's reported in Table 7 and I'll say we have an app for that. Unfortunately, it does not work on your Android or iPhone 5S. But we may get there yet. So this is the app. Some of you may be familiar with it, it's an excel spreadsheet based system and to use it, I'll just call your attention to this one little statement. You've got to save it to your computer first then open it in excel. You'll see a warning when you open it. You may see a warning that says, "Macros have been disabled. Do you want to enable them?" The security warning up here, you can ignore that. You can just close it. There aren't any macros that do anything necessary here, so you can simply close that. You don't have to enable macros. You -- I know some of you would have trouble doing that depending on your security systems, but it's not a security issues so just click off that one. You can enter your name here, state name if you're going to use this to share the information with others. If you have questions regarding this use and you want to send the whole tool to us to help you work through it. Enter your name, email address and phone number and then just ship the whole thing to us and we can get on the phone with you and work out whatever issues you want to work out. So let me share with you each of the four areas reported for dispute resolution data, that is state written complaints, mediations, due process complaints and expedited due process complaints. The four major areas reported in Table 7. Each have their own tab in this tool. And you'll see in each one of them there is at the top a set of cells that you can enter numbers in. So those four cells have color coding in them in the event that there is a problem they're going to light up and they're going to say you -- those numbers don't fit the definitions. So, this red flags, the red flag points you down here and tells you what the problem is. And there are a number of these kinds of logic checks on the data and this one just says that

you can't -- you have to have numbers that add up. And so, I'm going to change that number to 25 complaints withdrawn or dismissed and now the numbers are at least all logically consistent. If you have any interest in the definition, you can scroll over the field that has the field name in it, click there and it takes you to the written state complaint instructions and the definitions reported and that's from the 11, 12, Table 7 instructions for EDEN. So, you've clicked on the return the complaints, it takes you back to where you were. So the first thing you can do is enter the data if you're all accurate to begin with, and you've done your data with EDEN it's probably not -- you're probably not going to find any problems here in these first set of error checks. So let me scroll down to show you some national comparisons that you can look at. Once you enter the data, it calculates for you what was indicator 16, which was the percent of complaints completed within timeline or an extended -- appropriately extended timeline -- and so for this state which I have -- this is completely made up data. They had 94 -- 95.4% and you can look at the national averages across 50 states for the last three years on '09, '10, '11, '12 -- '10, '11, '12. So you get some comparator data and you can see some of these numbers are pretty stable across time and some of them have some interesting variability, like complaints filed that are pending in 2009 -'10, that 9.3% of complaints pending was the result almost entirely of one state that apparently ran into a buzz saw somewhere around -- somewhere and was unable to complete their complaint investigations or dealing with filed complaints in a timely fashion. But, you can see what it seems to be kind of the trend in those numbers nationally and compare yourself in that way. Below that are some suggested breakdowns for examining written complaints data. They're similar suggested breakdowns for mediation and due process, of course. But, let me just deal with these a little bit. So a question might be, do your complaint reports also address issues raised in due process complaints? This isn't on Table 7 anywhere but you have this information probably available to you. So you could take that total number of complaint reports and break it down into three sub-elements. So, how many complaint reports had findings that were included in a decision from a hearing officer where all of the findings were basically driven by a due process complaint decision. How many were driven by some, some of the findings were in a hearing decision, but not all. And how many were not part of a due process complaint? If you're getting a lot of activity in these first two



numbers, then that's probably an indication that you're sort doing double duty with your system and you're doing both, you know, complaint investigation and a due process activity where maybe you could look up the nature of those problems and see if there's another way to address them. Another question might be to what extent do written complaints filed address the enforcement of prior complaint, corrective actions, due process hearing decisions or mediation agreements or IEP team decisions. And so here we've suggested the breakdown of those elements into issues that involved a prior due process hearing decision, and we know that complaints get filed in some states with respect to that or complaints filed where the issues involved the enforcement of a mediation agreement or the enforcement of an IEP. So in this case you had, in other words, those first three you have an agreement, you have something that's supposed to have solved the problem and yet it's coming up in a due process -- yeah, I'm sorry, in a dispute resolution process that if those things were working, it shouldn't be coming up again. Complaints filed where issues involved enforcement of a corrective action, again, that's a problem, where issues involved some but all not -- all matters before a hearing officer and complaints where filed where the issues involved all the matters before a due process hearing officer. So, if these numbers -- if you have a lot of activity here then you -- then again you're kind of doing double duty and so you might want to examine those issues in more detail. Again, this is a stuff that you have the information on, we don't, but it strikes us that this is good, a good place to start drilling down and thinking about your activities. And of course these are just suggested breakdowns. You could break them down another way, you might have information in another form that allows you to address some but not all of these elements or maybe you've got a different way to cut the pie, that's fine. We just suggest that you cut the pie, get down and look more deeply. And so why are written complaints withdrawn or dismissed, we talked about that and resolved without a hearing under due process. A big issue here, what happens to those? We know some states have taken a further look at some of these and it proves to be interesting. We'd suggest that you do the same. So as I said there are similar tables to fill out for mediations and I've entered fictional data here as well complaints -- expedited complaints. One of the tables that you get out of this is sort of the big summary overall of your system and we still refer to those indicators, 16 and 17 even though they're not

formally indicators anymore. They're still relevant. Are you getting stuff done in time in complaints or in hearings? And sub-indicators, we mentioned -- and I'll just reference this one. Complaint reports completed within timelines without an extension, the national -- well, the figures for this fictional state I made up are 85%, 85.5% and for reports completed within a timelines with appropriate extensions, 14.5 %. So, not, not too bad. Those extensions with written state complaints are supposed to be under unusual circumstances and 14 and a half percent doesn't sound usual. Look for contrast with completed without an extension -- a hearing completed without an extension about 20% and completed with extensions 80%. That seems like a pretty high relationship with the use of extensions. Okay. So this indicator value table could just give you the snapshot of your State and looking more deeply at some of the numbers that you can calculate just based on what's in Table 7. There's also an issue analysis page which is just more oriented toward what are the issues that come up in complaints, due process activities, and mediation and how do they relate to one another. There's an automatic production of Table 7 if you wanted to print this and share it with people. This is the same as what you would file. This is not intended to be used in any way for filing EDEN, you EDEN data needs to go in through the EDEN system. So that's the data tool, and we're going to entertain questions and discussion here in a minute, but we're asking our technical wizard to put up poll questions so that while we're doing the discussion Q and A, you have an opportunity to fill us in on some evaluation questions with respect to this webinar. So floor is open.

MARSHALL PETER: Yeah, if you, you can ask questions one of two ways. Either type something into the chat box or if you wish to ask a question over your phone line, press pound 6 to unmute your phone and then please, after you've asked your question, press pound 6 again to mute it, so. Dick and Amy are standing by waiting for questions and we would appreciate getting your evaluation information. I also will make an announcement about our next webinar after we're through the questions.

RICHARD ZELLER.: I don't want to -- I don't want to sound like risky business, but anyone?

AMY WHITEHORNE: Anyone?

RICHARD ZELLER.: Anyone? Anyone?

AMY WHITEHORNE: Although it's Ferris Bueller's.

RICHARD ZELLER: Oh, it's Ferris Bueller.

AMY WHITEHORNE: Right.

RICHARD ZELLER: Oh, right, right, right. That was...

AMY WHITEHORNE: Good 80's movie, so...

RICHARD ZELLER.: Yeah.

AMY WHITEHORNE: So...

RICHARD ZELLER: I've forgotten more than I once know. Thank you for those who are filling out the poll questions, that's five of you. We show 15 people online, so although some of those may be duplicates and some of them are us, so. If there are no questions, please feel free to contact us. Amy and I are readily available and enjoy very much working with States to kind of drill down further into their data, we've just done that recently with -- in fact, we've been involved in a couple of States recently doing that and it's great and fun and it -- I think it's helpful to them in improvement planning for their system, so we welcome you to call us at any point and we'll be happy to do that with you too. Thanks very much for participating, Marshall?

MARSHALL PETER: Amy, did you want to say something?

AMY WHITEHORNE: Just thank you again. I really -- we really appreciate those of you that tuned in with us today. And the PowerPoint is on our website and we -- if you -- if you have any questions at all, you can reach us by phone or shoot us an email and the email address and cell phone are also at the end of the PowerPoint and on our website.

MARSHALL PETER: And so, a couple of things. So, we want to -- I want to again thank Dick and Amy. We -- after a brief interruption, we got on track with the technology, so as Amy said, Webinar and PowerPoint will be available. I'm also really delighted to announce our next CADRE Webinar on April 24th from 11:30 to 12:45 Pacific Time, we'll be joined by Dr. Johnny Lake for a Webinar entitled, "Visiting a House on the Other Side of Town." Dr. Johnny Lake is an international consultant, trainer and speaker, certified in programs respecting leadership, diversity, community-building, cross-cultural communication and interaction skills, equity and

ethics for youth and adults. He's an assistant professor of education, a teacher and counselor of preparation programs at Northwest Christian University. His scholarship has focused on teaching and learning around issues of leadership, diversity, race, culture, personal organizational growth, cultural competency and communication. I have to tell you that I've had the pleasure of hearing Johnny present several times in the past and if you join us for that Webinar, you're in for a real treat. Johnny communicates really important information and he does it through storytelling and so it's a very -- it'll be a very entertaining and informative presentation. So I hope we'll see you on April the 24th. And I want to again thank Dick Zeller and Amy Whitehorne and all of you who joined us today and we'll look forward to seeing you on down the line. Please do not hesitate to contact CADRE if there are ways that we can be of help.