



Looking in the Rearview Mirror: Seven Years of APR/SPP Data

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CADRE Symposium
October 27, 2011
Eugene, OR



Session Agenda

- Overview contents and web-published products of the CADRE Part B National Longitudinal Dispute Resolution Database
- Limitations of the data & common reporting issues
- Describe trends in dispute resolution events across states from 2003-04 to 2009-10
- Finer grained looks at state performance (“drill downs”)
- Part C National Longitudinal Dispute Resolution Database



National Longitudinal Dispute Resolution Database

- Initiated in 2002-03 (first APR year)
- Source Data (APRs and 618 Reports):
 - 2003-04 through 2005-06: Attachment 1 and Table 7 to State APRs (Feb 1)
 - 2006-07 through 2009-10: Table 7/Section 618 November 1 reports to The DAC (Westat)
- Database products published annually:
 - Annual and multi-year state summaries
 - Annual national summaries
- Analyses/reports: at state request, presentations, for inclusion in annual APR summaries, other



Data Elements

WRITTEN, SIGNED COMPLAINTS

Total number of written, signed complaints filed
Complaints with reports issued
Complaint Reports with findings of noncompliance
Complaint Reports within timeline
Complaint Reports within extended timelines
Complaints pending
Complaints pending a due process hearing
Complaints withdrawn or dismissed

MEDIATIONS

Total number of mediation requests received
Mediations held
Mediations held related to DP complaints
Mediation agreements related to DP complaints
Mediations held not related to DP complaints
Mediation agreements not related to DP complaints
Mediations pending
Mediations withdrawn or not held

DUE PROCESS COMPLAINTS

Total number of due process complaints filed
Resolution meetings held
Written settlement agreements reached through resolution meetings
Hearings fully adjudicated
Decisions within timeline (include expedited)
Decisions within extended timeline
Due process complaints pending
Due process complaints withdrawn or dismissed (including resolved without a hearing)

EXPEDITED DUE PROCESS COMPLAINTS

Total number of expedited DP complaints filed*
Resolution meetings held*
Written settlement agreements*
Expedited hearings fully adjudicated*
Change of placement ordered
Expedited DP complaints pending*
Expedited DP complaints withdrawn or dismissed*

* These are subsets of DP Complaint elements

National Five Year Summaries

**Summary of National Dispute Resolution Data - State Numbers Reported In Annual Performance Report
From APR, Table 7, Section A: Written, Signed State Complaints**

Prepared by Center for Appropriate Dispute Resolution in Special Education - Updated 13 December 2010

Year	Data from Table 7 Annual Performance Reports or Section 618 Reports								
2004-05	Child Count (3to21)	(1) Written Complaints Filed	(1.1) Complaint Reports Issued	(1.1)(a) Reports with Findings	(1.1)(b) Reports Within 60 Days	(1.1)(c) Reports Within Extension	(1.2) Withdrawn or Dismissed	(1.3) Complaints Pending	(1.3)(a) Complaints Pending Hearing
ALABAMA	93,402	22	18	10	16	2	4	0	0
ALASKA	18,134	7	5	1	4	0	2	0	0
AMERICAN SAMOA	1,238	2	2	0	2	0	0	0	0
ARIZONA	119,841	128	117	25	66	19	10	1	0
ARKANSAS	68,088	35	28	25	28	0	7	0	0
BUR. OF INDIAN EDUCATION	7,795	12	11	11	11	0	1	0	0
CALIFORNIA	675,417	1,248	958	638	475	24	260	30	0
COLORADO	83,249	20	8	7	6	2	10	2	1
CONNECTICUT	73,028	101	76	56	63	13	25	0	0
DELAWARE	18,698	11	10	4	9	1	0	1	0
DISTRICT OF COLUMBIA	12,845	23	20	14	17	3	3	0	0
FLORIDA	400,001	83	26	19	16	9	53	4	4
GEORGIA	195,928	29	26	12	19	7	3	0	0
GUAM	2,485	7	6	6	6	0	1	0	0
HAWAII	22,679	10	9	9	9	0	1	0	0
IDAHO	28,880	30	30	18	27	3	0	0	0
ILLINOIS	322,982	115	76	53	57	15	39	0	0
INDIANA	175,205	116	104	79	93	11	10	2	0
IOWA	73,637	6	2	0	2	0	4	0	0

Individual State Summaries

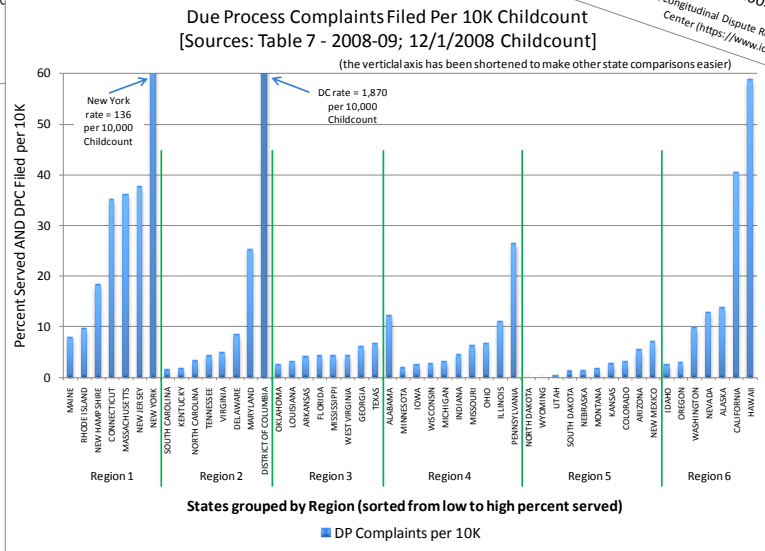
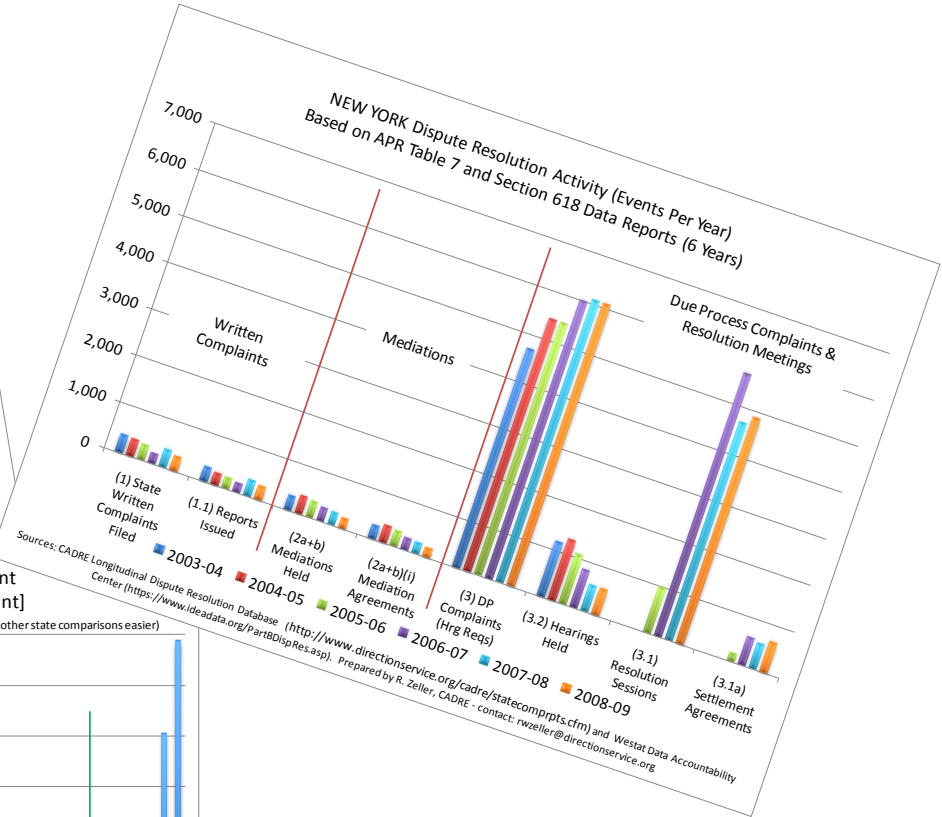
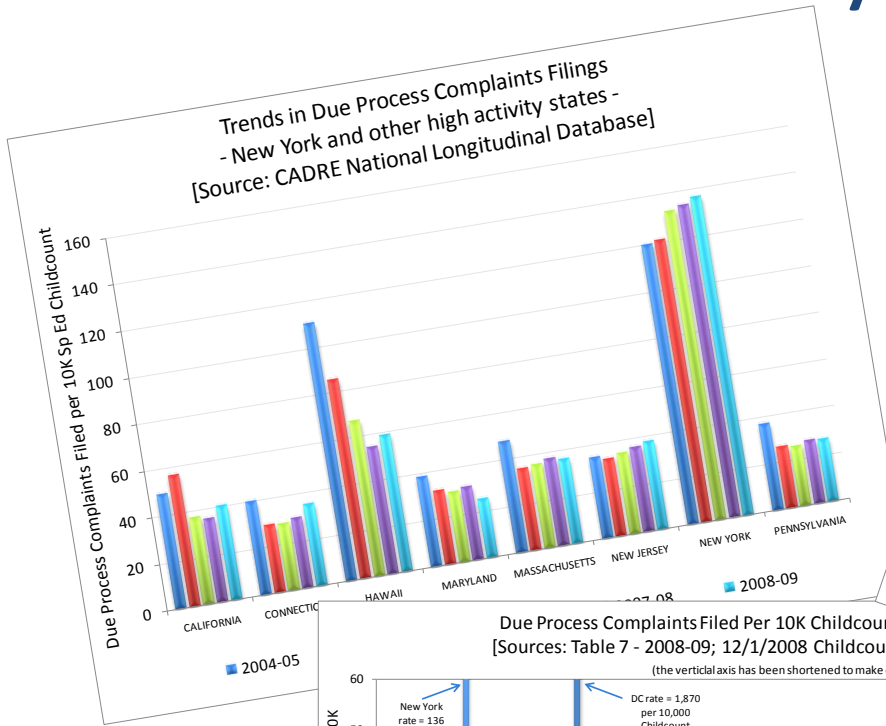
School Year 2007-08	FLORIDA		Total Child Count (ages 3 to 21):	391,092	% Served (ages 6 to 17):	12.64%		
<u>Written Complaints</u>	Reported	Per 10K	<u>Mediations</u>	Reported	Per 10K	<u>Due Process Complaints</u>	Reported	Per 10K
(1) Filed	109	2.8	(1) Requests	184	4.7	(3) DP Complaints Filed	158	4.0
(1.1) Reports Issued	58	1.5	(2.1)(a) Held, DP Related	31	0.8	(3.1) Resolution Meetings	84	2.1
(1.1)(a) Reports with Findings	48	1.2	(2.1)(a)(i) Agreements, DP Related	19	0.5	(3.1)(a) Settlement Agreements	58	1.5
[Reports with No Findings]	10	0.3	(2.1)(b) Held, Not DP Related	39	1.0	(3.2) Held (Fully Adjudicated)	5	0.1
(1.1)(b) Completed w/in 60 Days	42	1.1	(2.1)(b)(i) Agreements, Not DP Related	32	0.8	(3.2)(a) Decisions w/in 45 Days	0	0.0
(1.1)(c) Completed w/in Extension	16	0.4	[Total Held]	70	1.8	(3.2)(b) Decisions w/in Extension	5	0.1
[Total w/in Timelines]	58	1.5	[Total Agreements]	51	1.3	[Decisions Within Timelines]	5	0.1
(1.2) Withdrawn or Dismissed	45	1.2	(2.2) Mediations Not Held	114	2.9	[Pending]	42	1.1
(1.3) Pending	6	0.2				(3.3) Resolved w/o a Hearing	111	2.8
(1.3)(a) Pending Hearing	3	0.1						
						<u>Expedited Due Process Complaints**</u>		
						(4) Expedited DP Complaints Filed	21	0.5
						(4.1) [Expedited] Resolution Sessions	12	0.3
						(4.1)(a) [Expedited] Settlement Agreements	8	0.2
						(4.2) Expedited Hearings (fully adjudicated)	0	0.0
						(4.2)(a) Change of Placement Ordered	0	0.0

Notes: [Values in brackets] are calculated based on definitions from OSEP reporting instructions. (Numbers in parens) are item numbers from APR Table 7. "Per 10K" values equal the number of events divided by child count (3-21 years) times 10,000; these "per capita" rates allow comparisons of activity across states.

* Sources: 2004-05 and 2005-06 data are from State APRs, Table 7, compiled by CADRE; 2006-07, 2007-08 and 2008-09 are Section 618 data from the Westat/Data Accountability Center, files = <2006-07 (csv) - Updated>, <2007-08 (csv)> and <2008-09 (csv)> available at: <https://www.ideadata.org/PartBDispRes.asp>.

** Expedited due process complaints data became a required collection in 2005-06; zeros for 2004-05 may indicate that data on expedited due process complaints were not collected that year by that state. All expedited complaints data elements except (4.2)(a) are subsets of the due process complaints data reported for the same year.

Custom Analyses on Request



To request custom summaries or analyses, contact: rwzeller@directionservice.org



Limitations of the data & common reporting issues

- Definitions of some data elements have evolved toward greater clarity
- Some data elements have been added and others removed from the table; some are now or have been in the past calculated based on other values
- Data errors (Zeller's votes for least trusted values):
 - Mediation requests (in some states, requests = mediations held; this may be a tracking problem – in some states there may not be a uniform way to track whether a mediation has been “requested”)
 - Complaint reports with *findings of non-compliance* (some states mistakenly count any report with “findings of law”)
 - Resolution meetings held (there is confusion in some states about the 15 day timeline requirement v. holding a resolution meeting)*
 - Written settlement agreements (there is some confusion about when an agreement can be counted)*
- National summaries/trends benefit from the “Law of Big Numbers” and as of the 2009-10 data, seven data points for most data elements

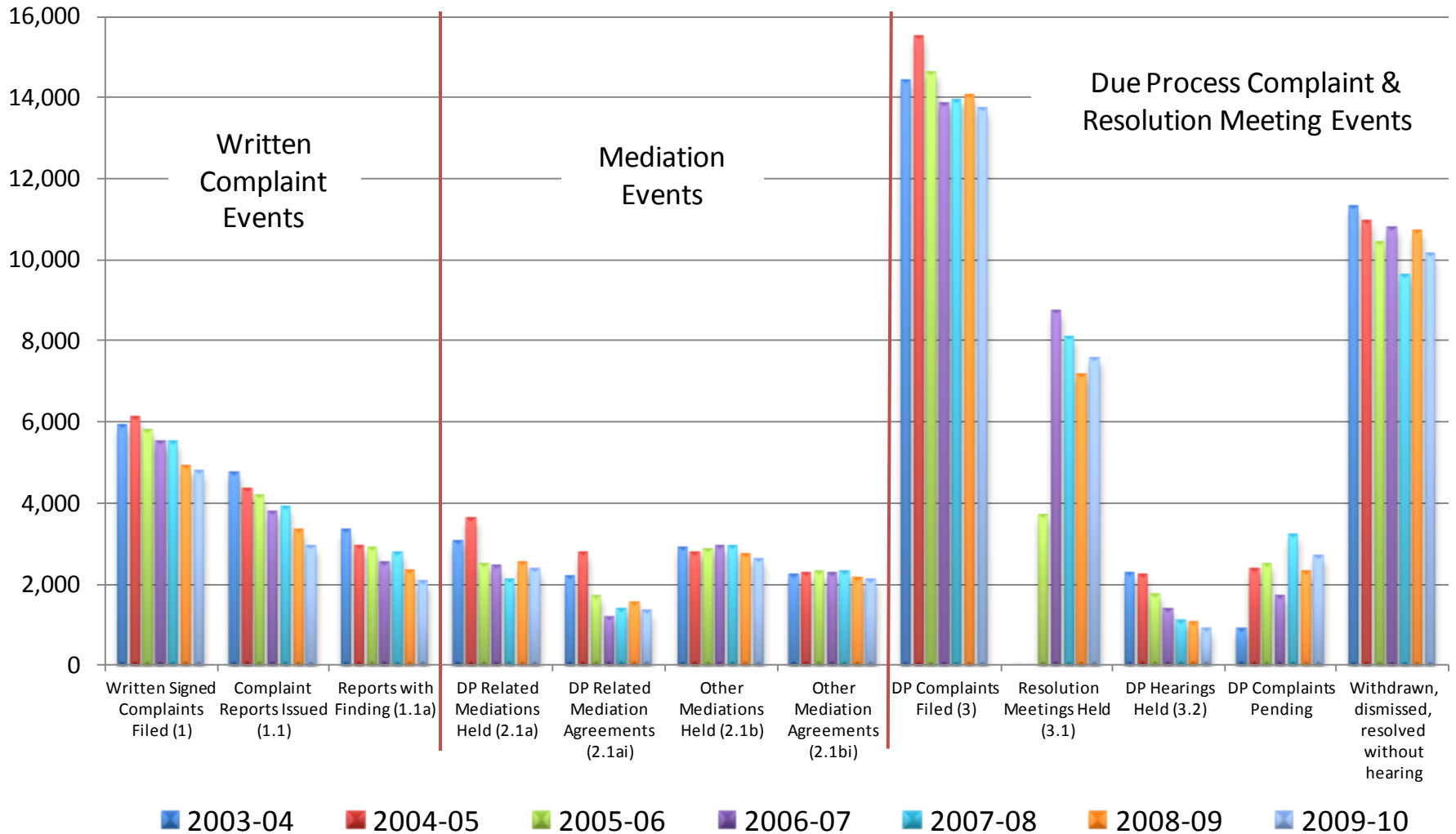
* More on resolution meetings: see symposium presentation, Concurrent Session 5.3: “*Resolution Meetings: The Ugly, The Bad, and the Good.*”



National Trends – 7 Year Retrospective

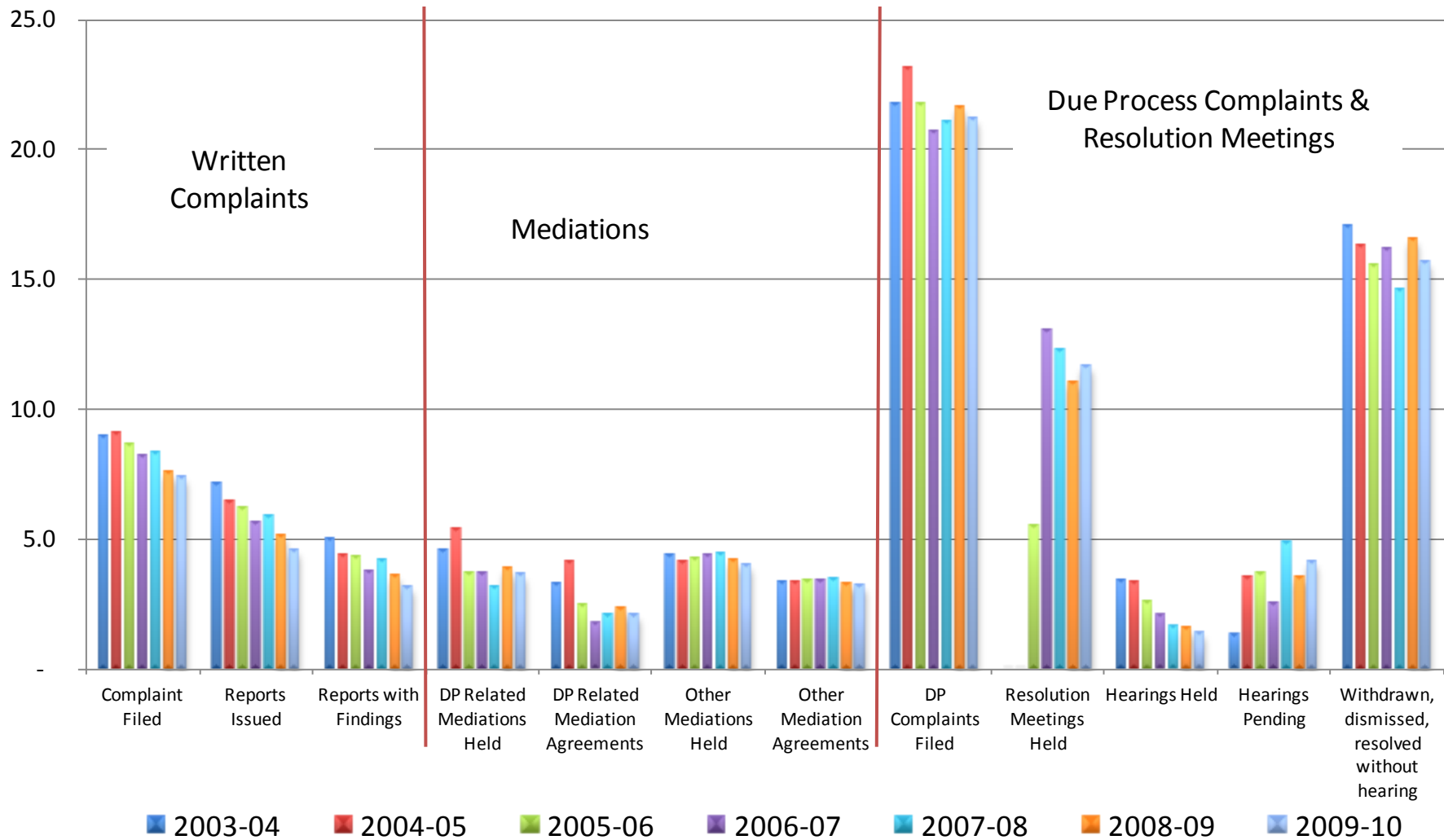
- Displays of selected data elements we feel reflect changes that are occurring
- For most “national” pictures we use total of numbers reported in *the 50 states*
- Some comparisons use “event rate per 10K”
- Analysis of changes across and among states:
 - Slope and R^2 to examine trends
 - Number of states meeting a condition (e.g., compliance)
- What CADRE doesn’t know that you might know

Summary of Dispute Resolution Activity (Number of Events Reported - 50 States)



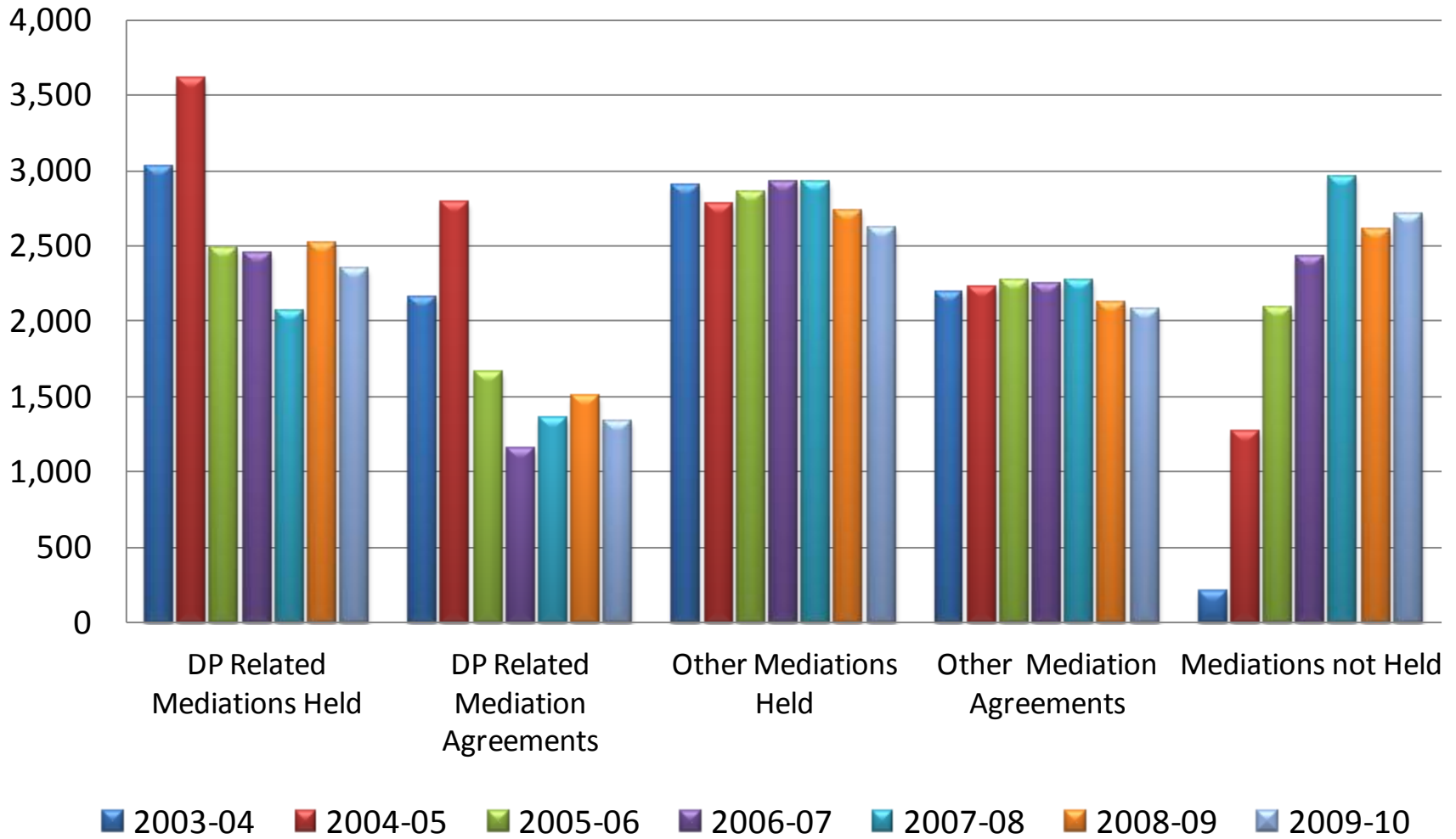
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomrpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Summary of Dispute Resolution Activity (Rates per 10,000 Special Education Childcount - 50 States)



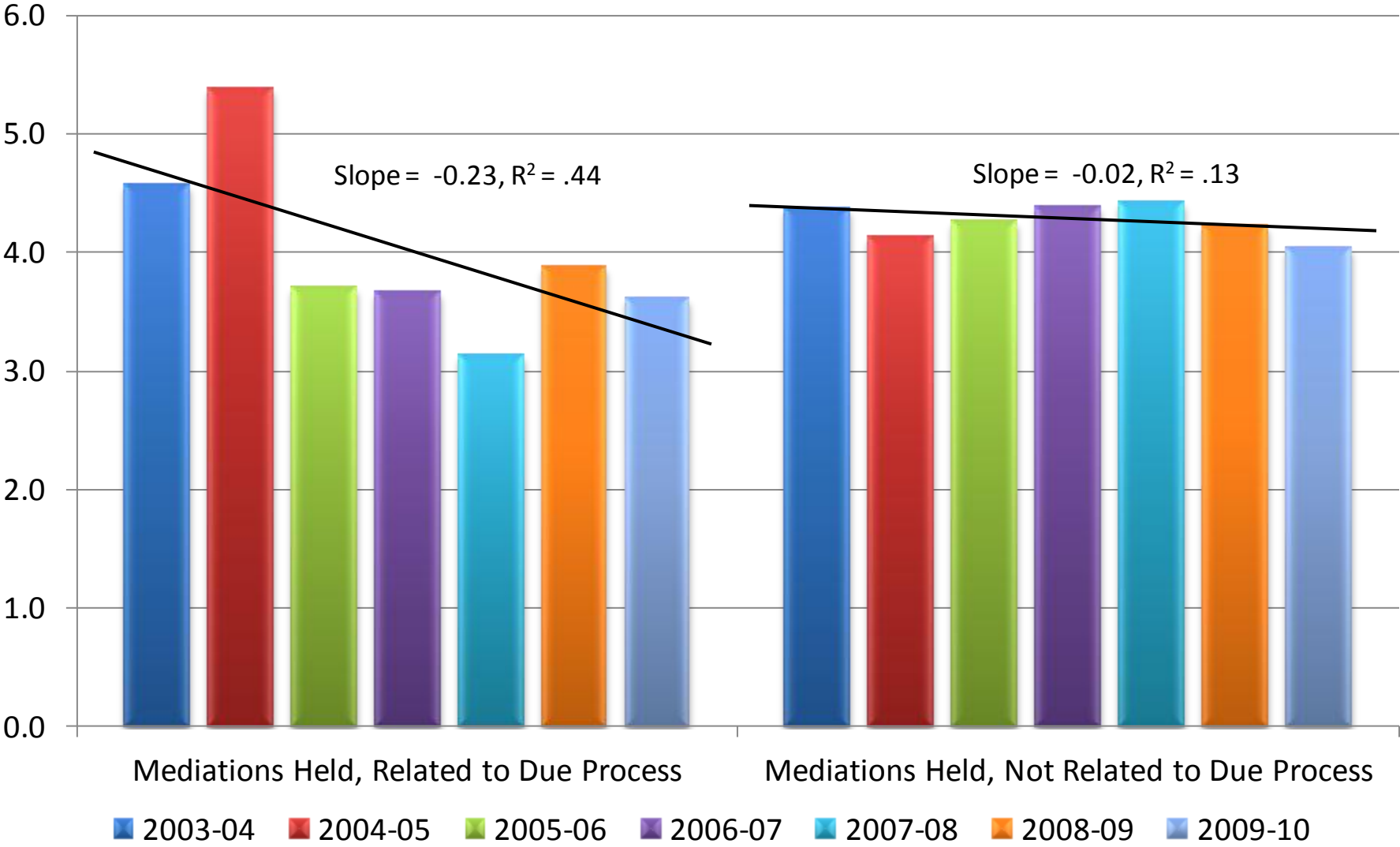
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDISPRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Mediation Activity (Events Reported - 50 States Total)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Mediations Held, Related and Not Related to Due Process (Events per 10,000 Childcount, 7 Year Trends)

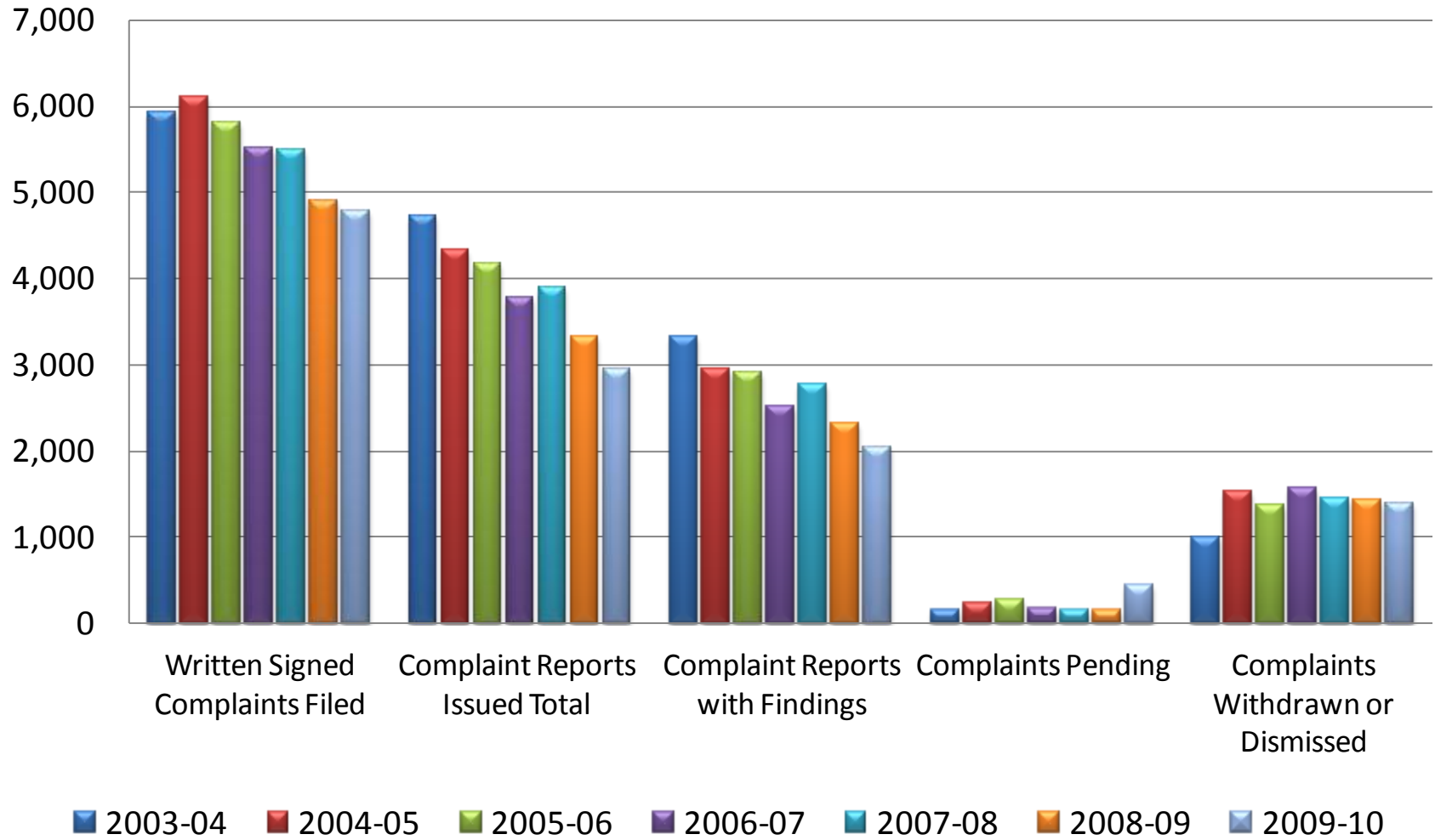


Mediations, Not DP-Related

Trends in States	Slope Value	# of States
Positive Slope (Increasing use)	>0	21
Negative Slope (Decreasing use)	<0	34
Meaningful Positive Slope	$>+.2$	20
Minimal/No Effective Change	$>-.2 \ \& \ < \ +.2$	5
Meaningful Negative Slope	$<-.2$	32

- 54 “states” had one or more mediations in the period 2003-04 through 2009-10
- 36 “states” had 10 or more not-DP related mediations in 2009-10; of these, 17 had positive slopes (increasing use of mediation) and 19 had negative slopes (decreasing mediation)

Written, Signed State Complaints Activity (Events Reported - 50 States Total)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

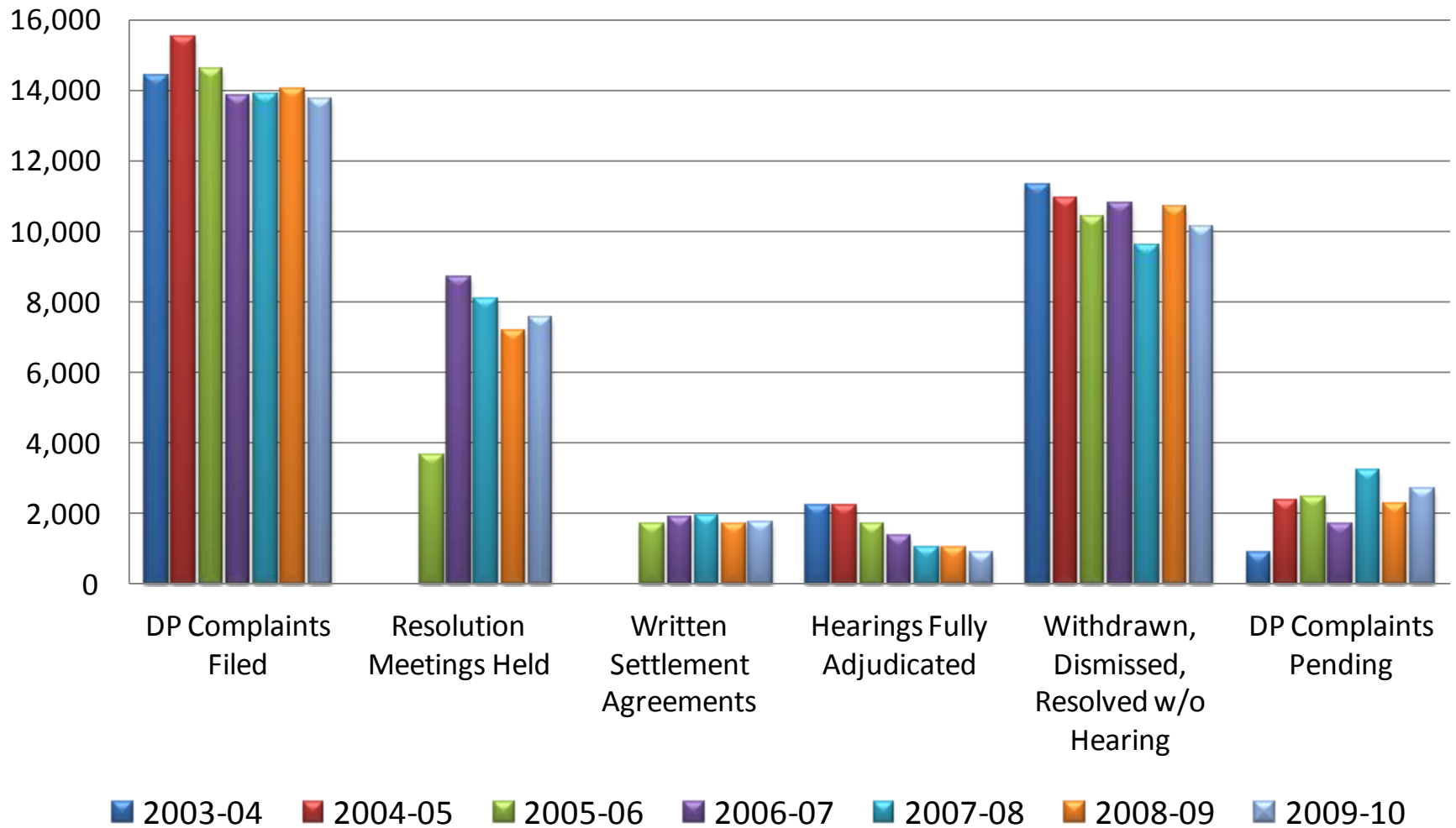


Written State Complaints

Trends in States	Slope Value	# of States
Positive Slope (Increasing use)	>0	19
Negative Slope (Decreasing use)	<0	38
Meaningful Positive Slope	$>+.2$	14
Minimal/No Effective Change	$>-.2 \text{ \& } <+.2$	15
Meaningful Negative Slope	$<-.2$	28

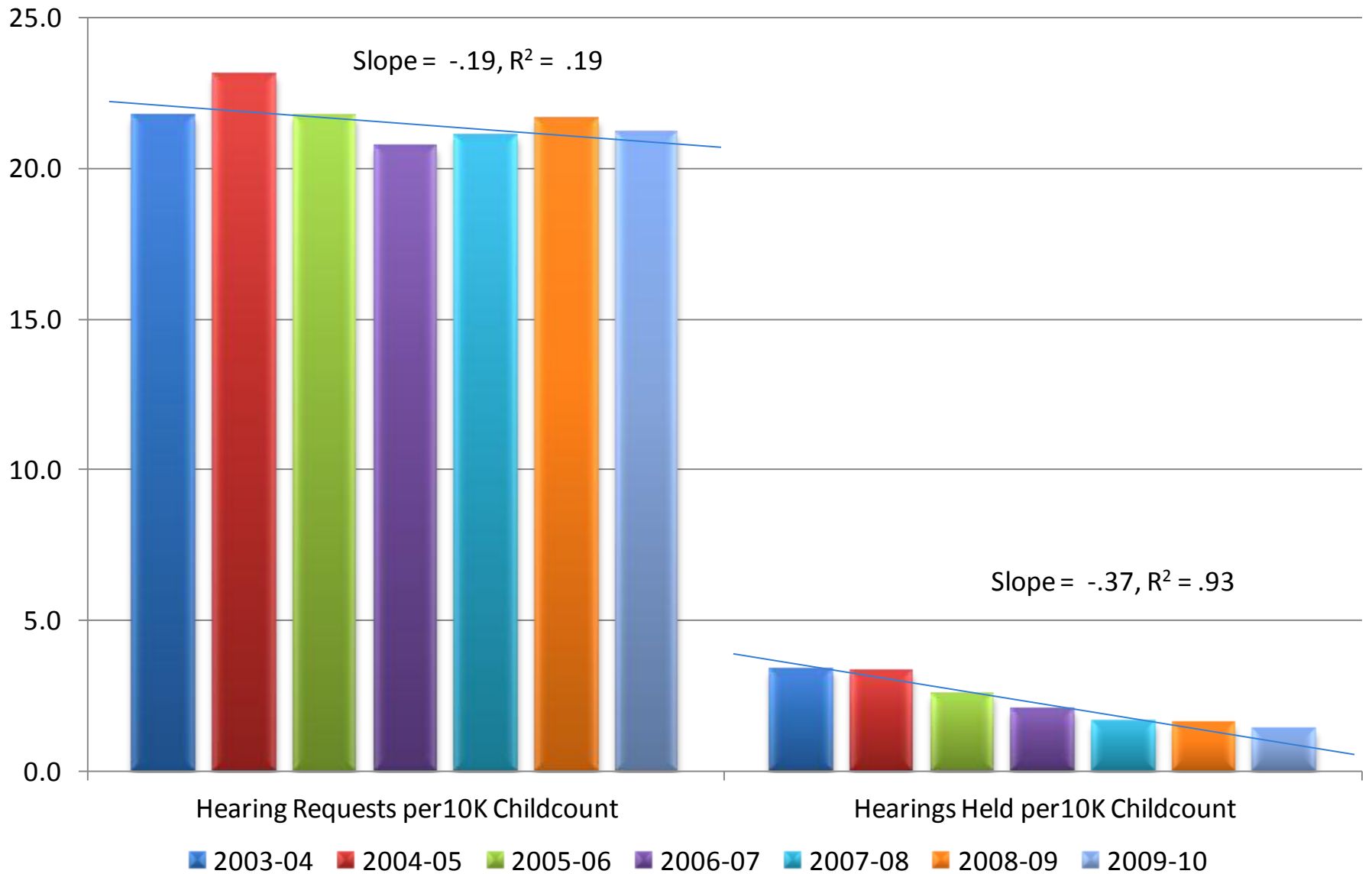
Decreasing slopes in 19 of 28 states where $R^2 >.25$

Due Process Complaint Activity (Events Reported - 50 States)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Due Process Complaints & Hearings Held (Events per 10,000, 7 Year Trends)

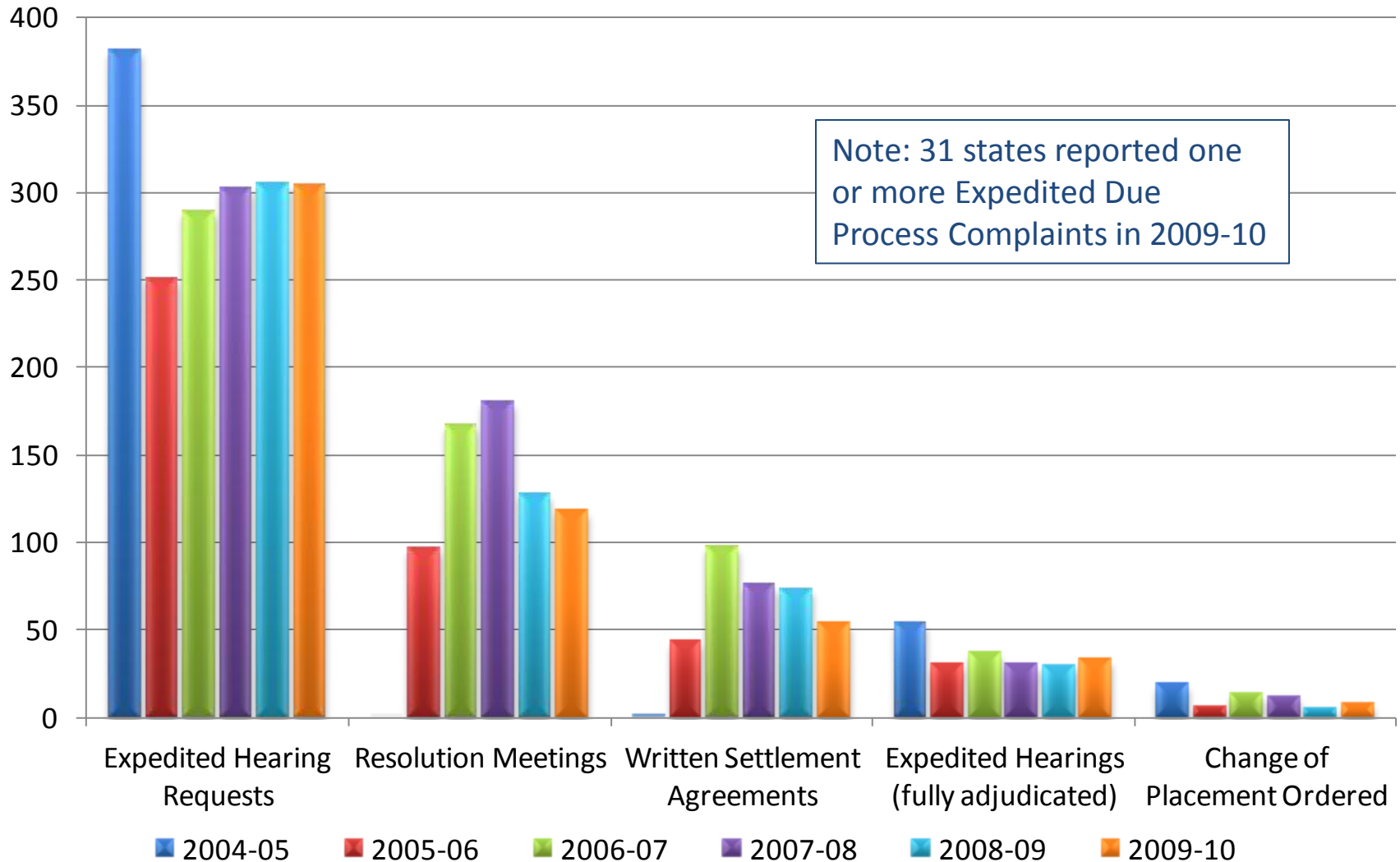




Due Process Complaints

Trends in States	Slope Value	# of States
Positive Slope (Increasing use)	>0	11
Negative Slope (Decreasing use)	<0	45
Meaningful Positive Slope	$>+.20$	4
Minimal/No Effective Change	$>-.20 \text{ \& } <+.20$	33
Meaningful Negative Slope	$<-.20$	20

Expedited Due Process Complaint Activity Events Reported (50 States)



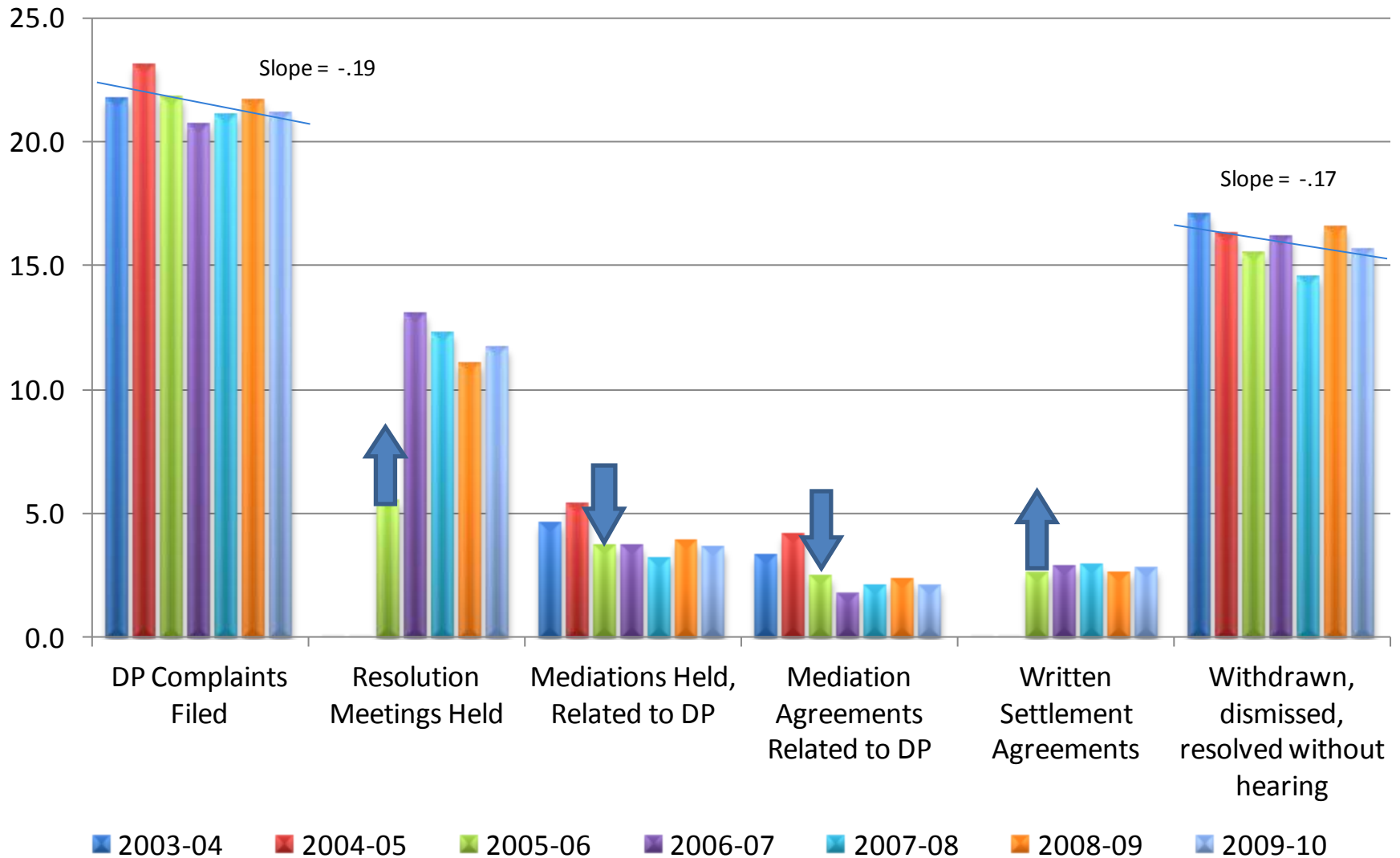
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org



National Trends – Big Findings

- Use of formal dispute resolution procedures (written, signed complaints; mediation under IDEA; due process complaints/hearings) has generally decreased over the past 7 years
- More states follow the national trends than not (that is, the trends are not simply the impact a few large states)

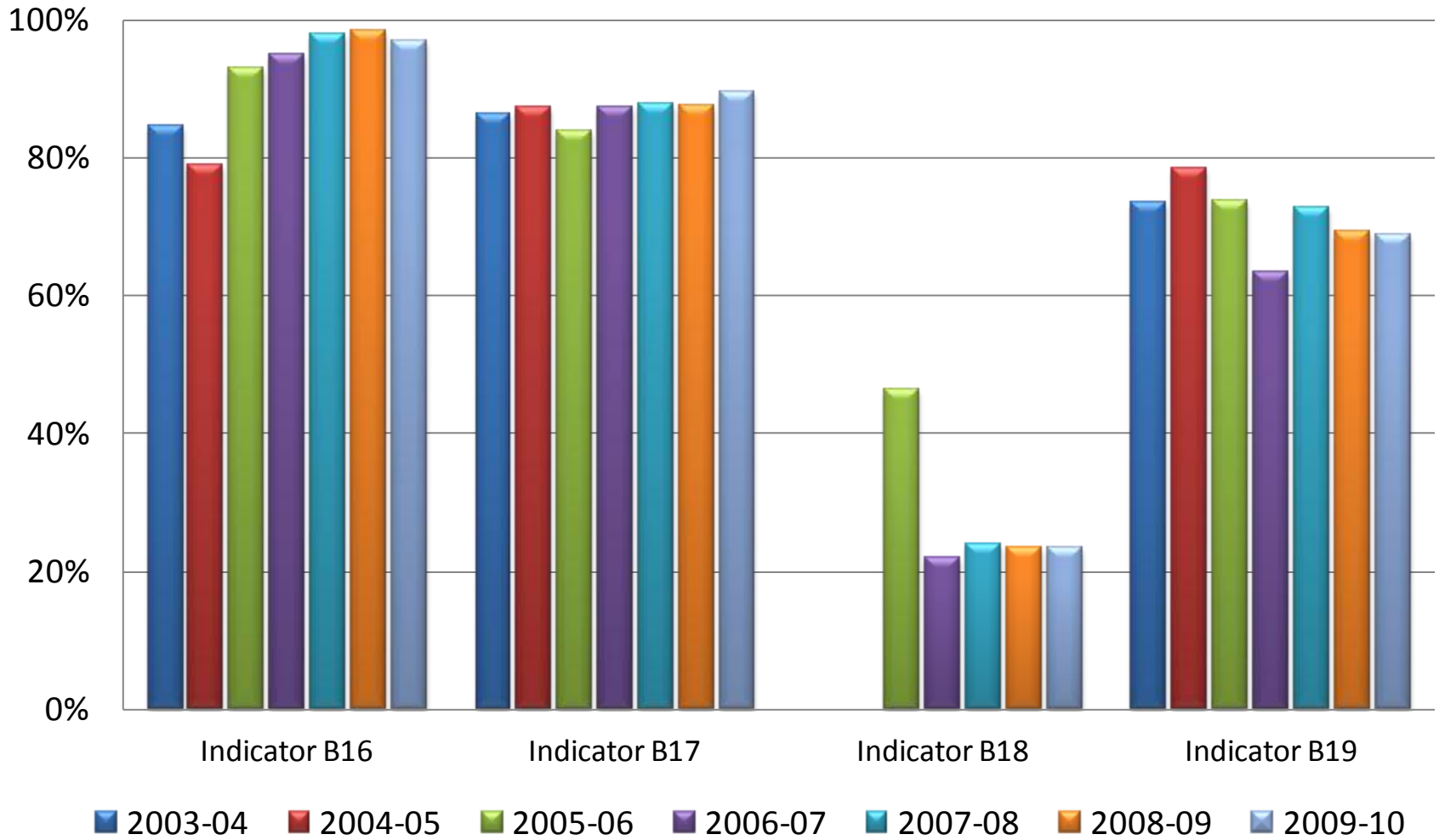
Resolution Meetings and Mediation Related to Due Process Complaints Hydraulic Processes? (50 states, Mean Rates per 10K Total Childcount)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

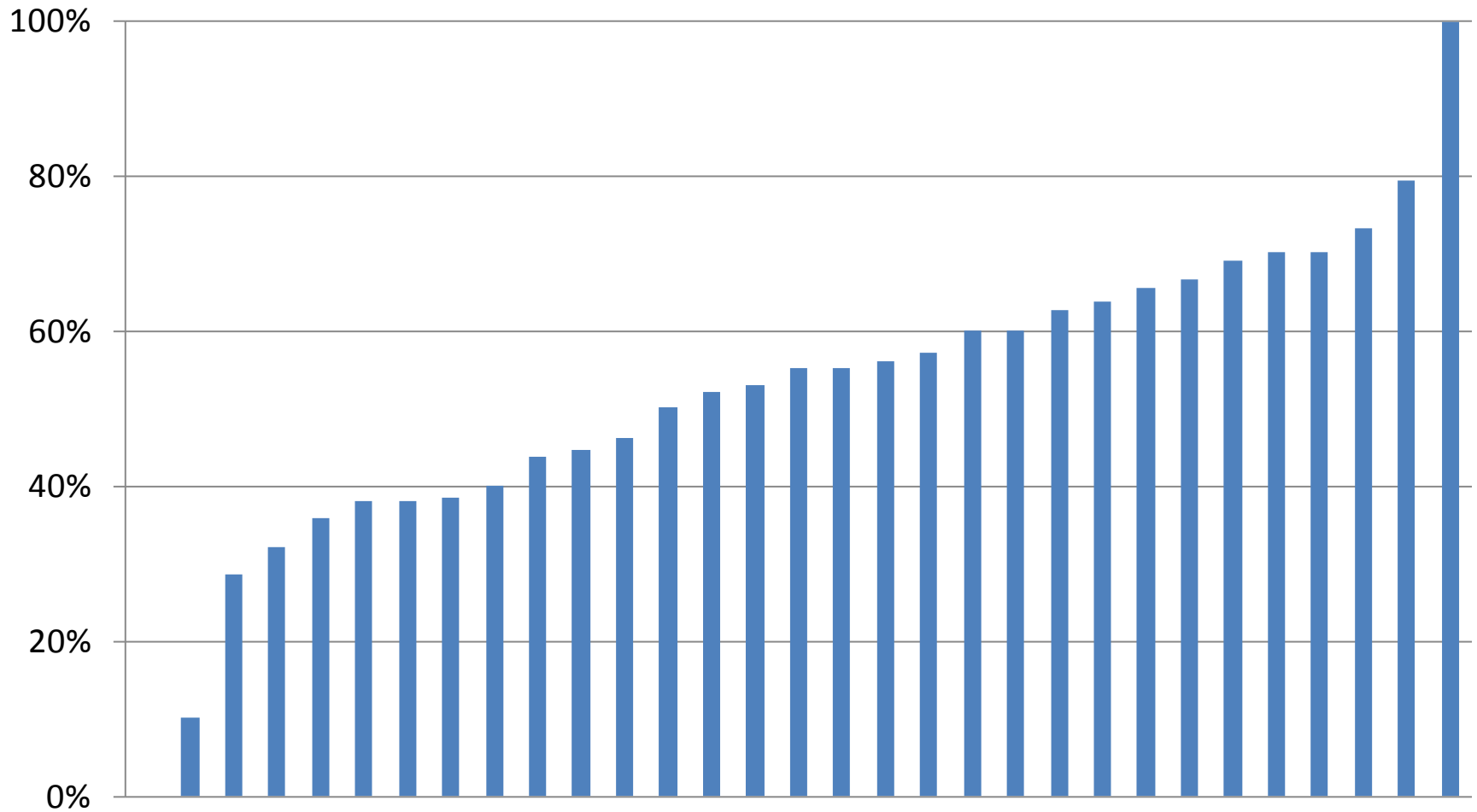
Indicator Trends

Part B - 50 State "National" Values



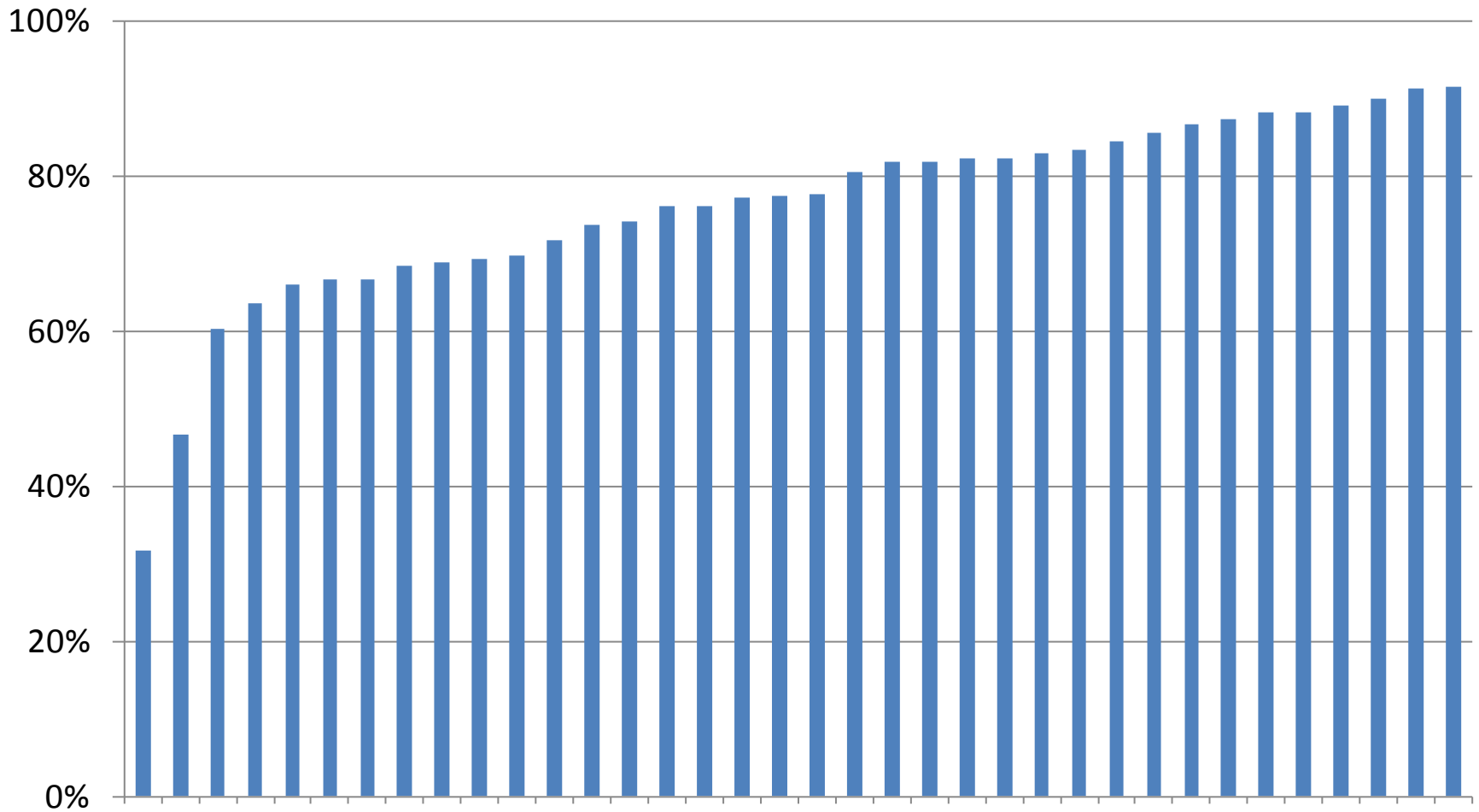
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Written Settlement Agreement Rates (Indicator B18) Reported By States With 10 or More Resoultion Meetings Held (2009-10, n = 31)



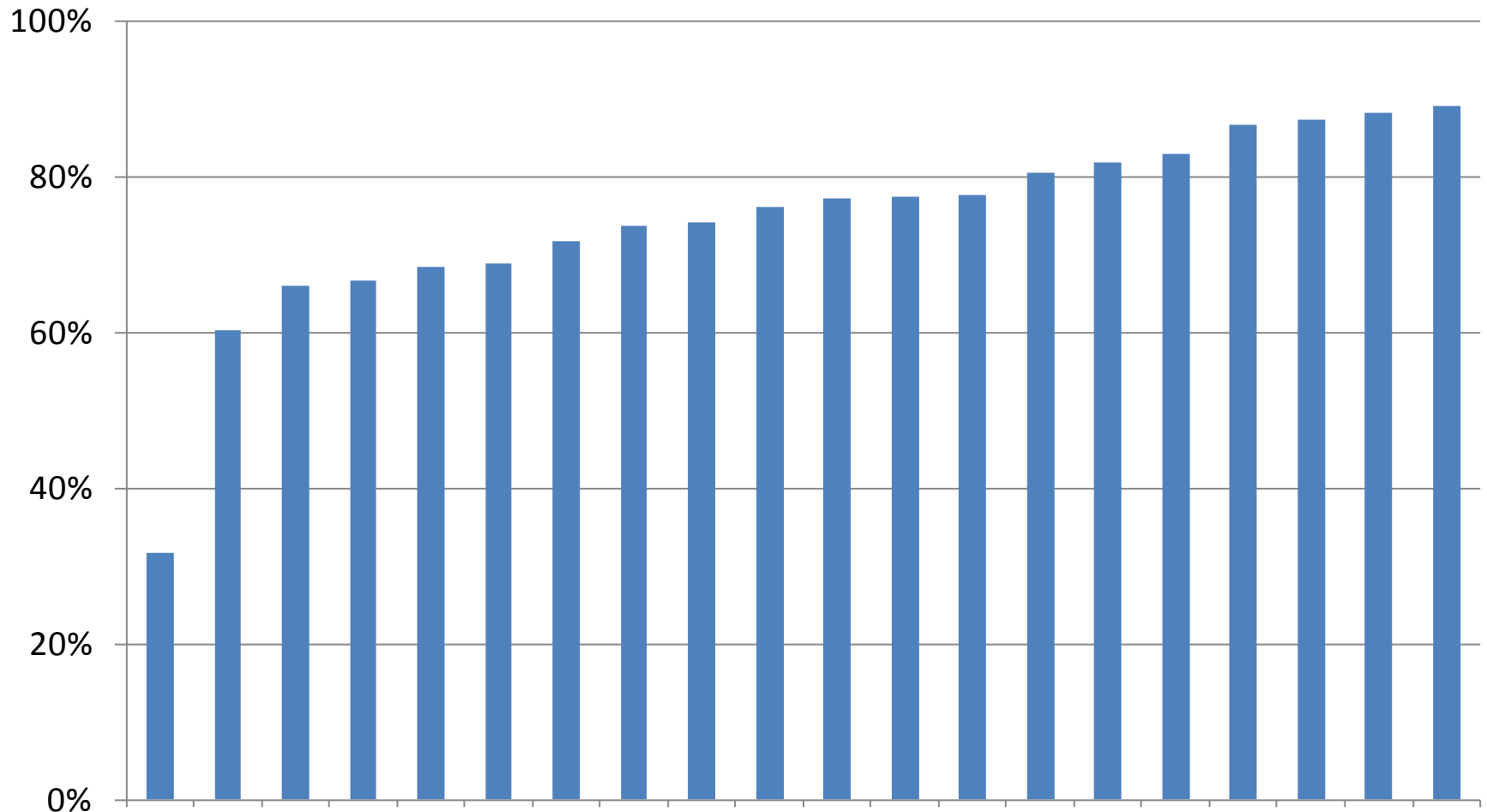
States are having widely differing experiences with the implementation of the Resolution Meeting process and reaching "Written Settlement Agreements."

Mediation Agreement Rates (Indicator B19) Reported By States With 10 or More Mediations Held (2009-10, n = 36)



While there is a range in performance, States holding ten or more mediations generally have mediation agreement rates between 60% and 90%.

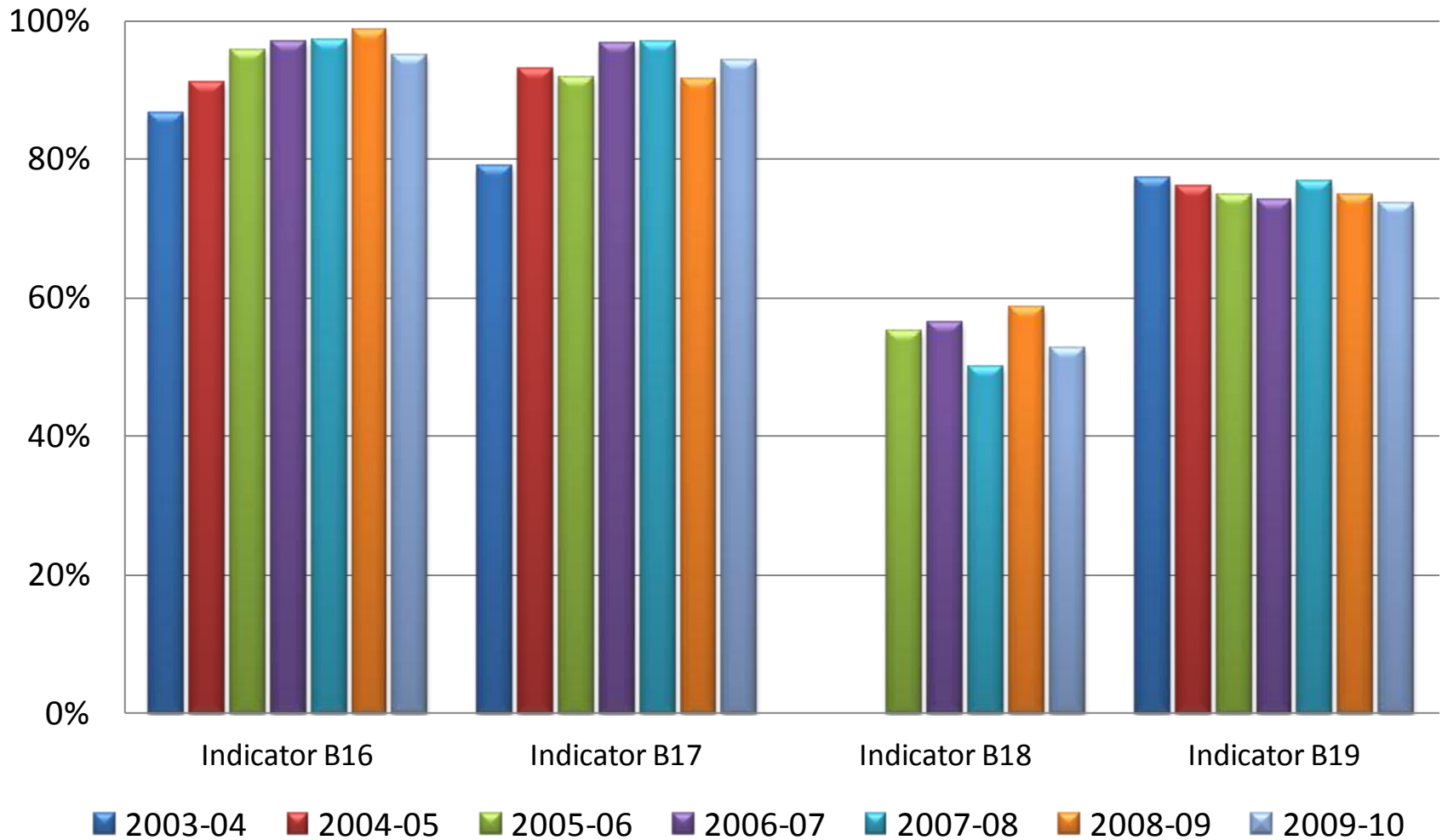
Mediation Agreement Rates (Indicator B19) Reported By States With 10 or More Due Process Related Mediations Held (2009-10, n = 20)



While fewer states hold ten or more *due process related mediations*, the range in performance (agreement rate) is still between 60% and 90%.

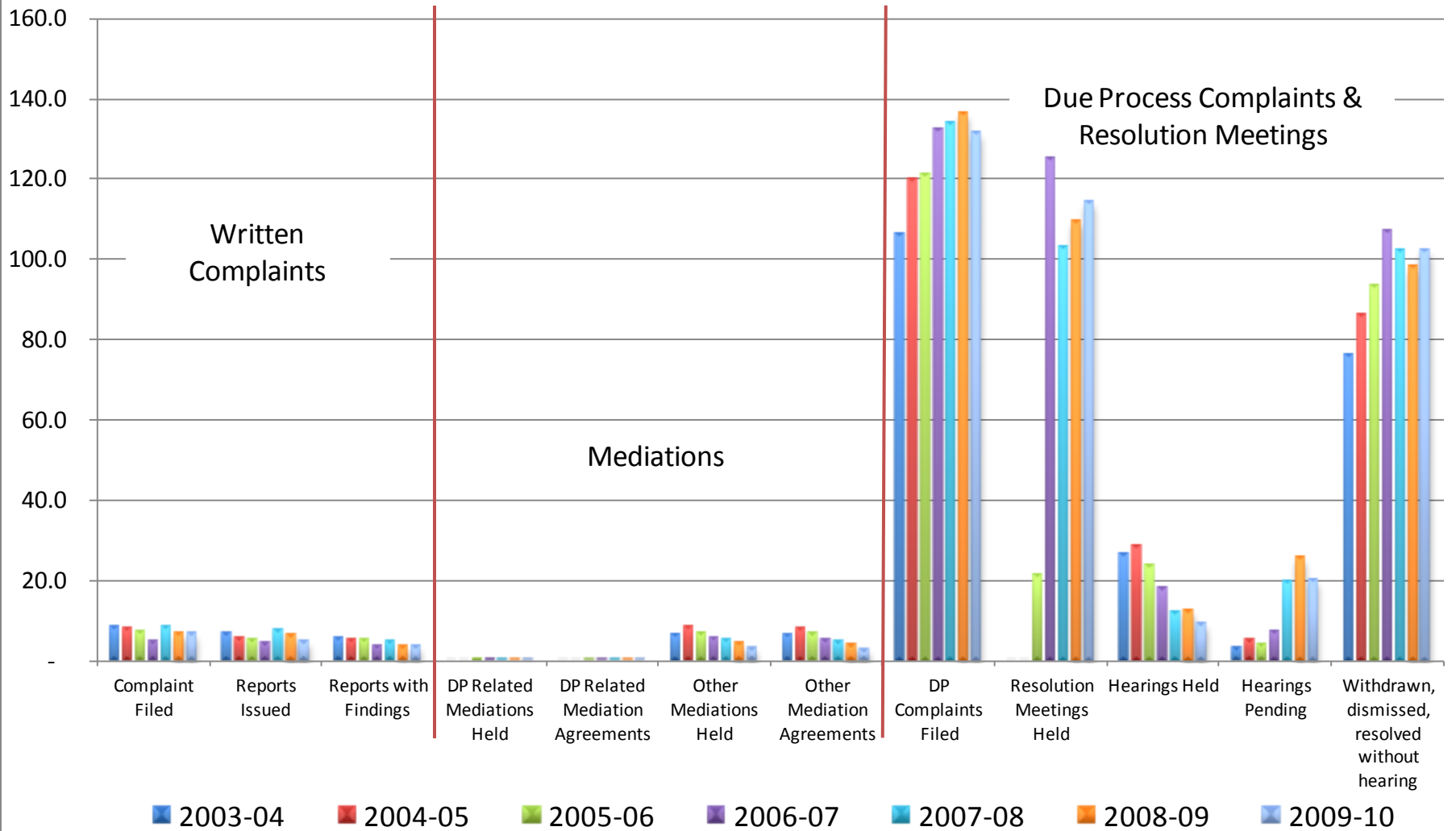
Indicator Trends

Part B - Mean of State Reported Values



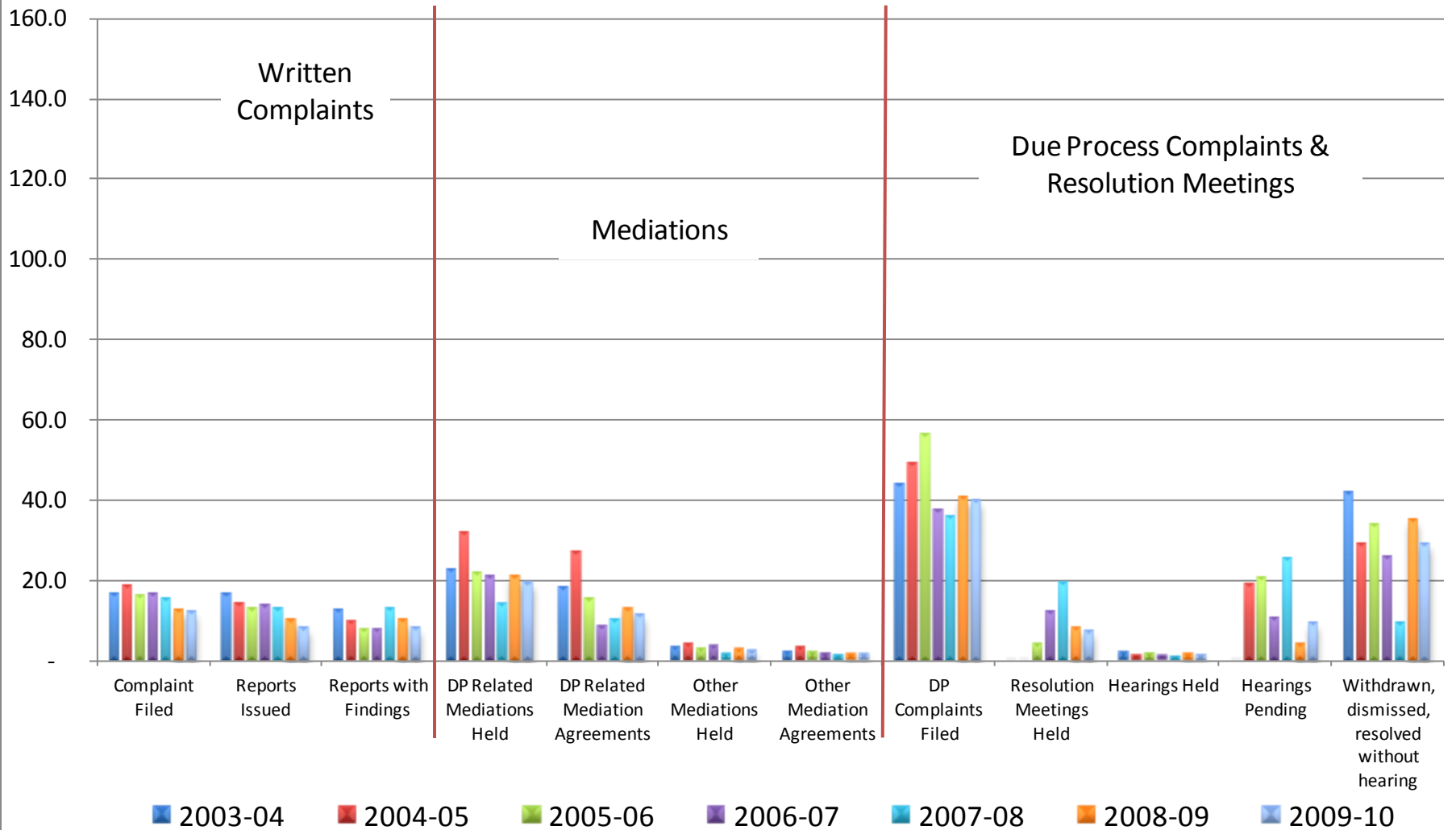
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and the Data Accountability Center state level cvs files (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Summary of Dispute Resolution Activity (Rates per 10,000 Special Education Childcount - High DP Use State)



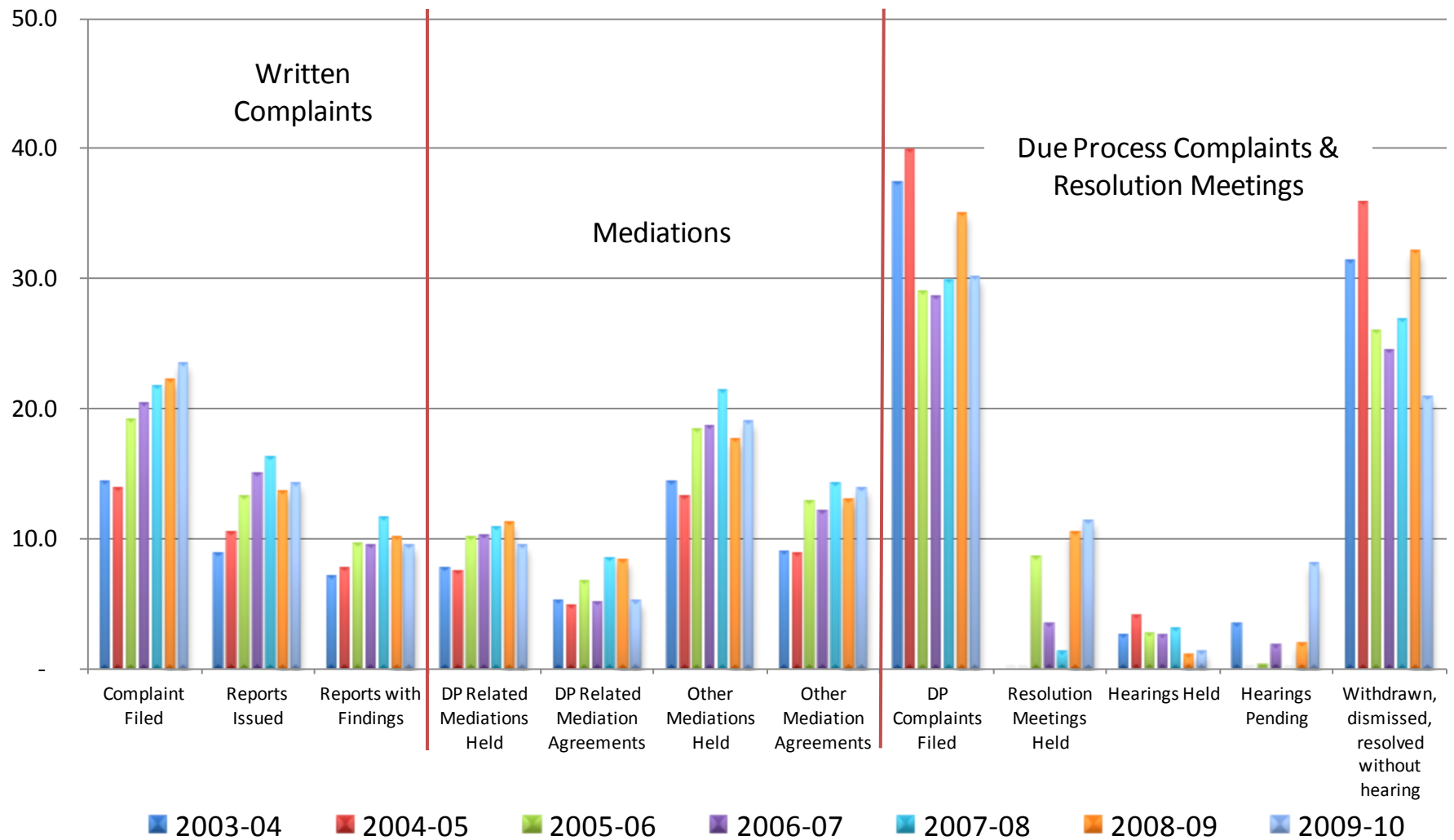
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Summary of Dispute Resolution Activity - High DP Related Mediation State (Rates per 10,000 Special Education Childcount)



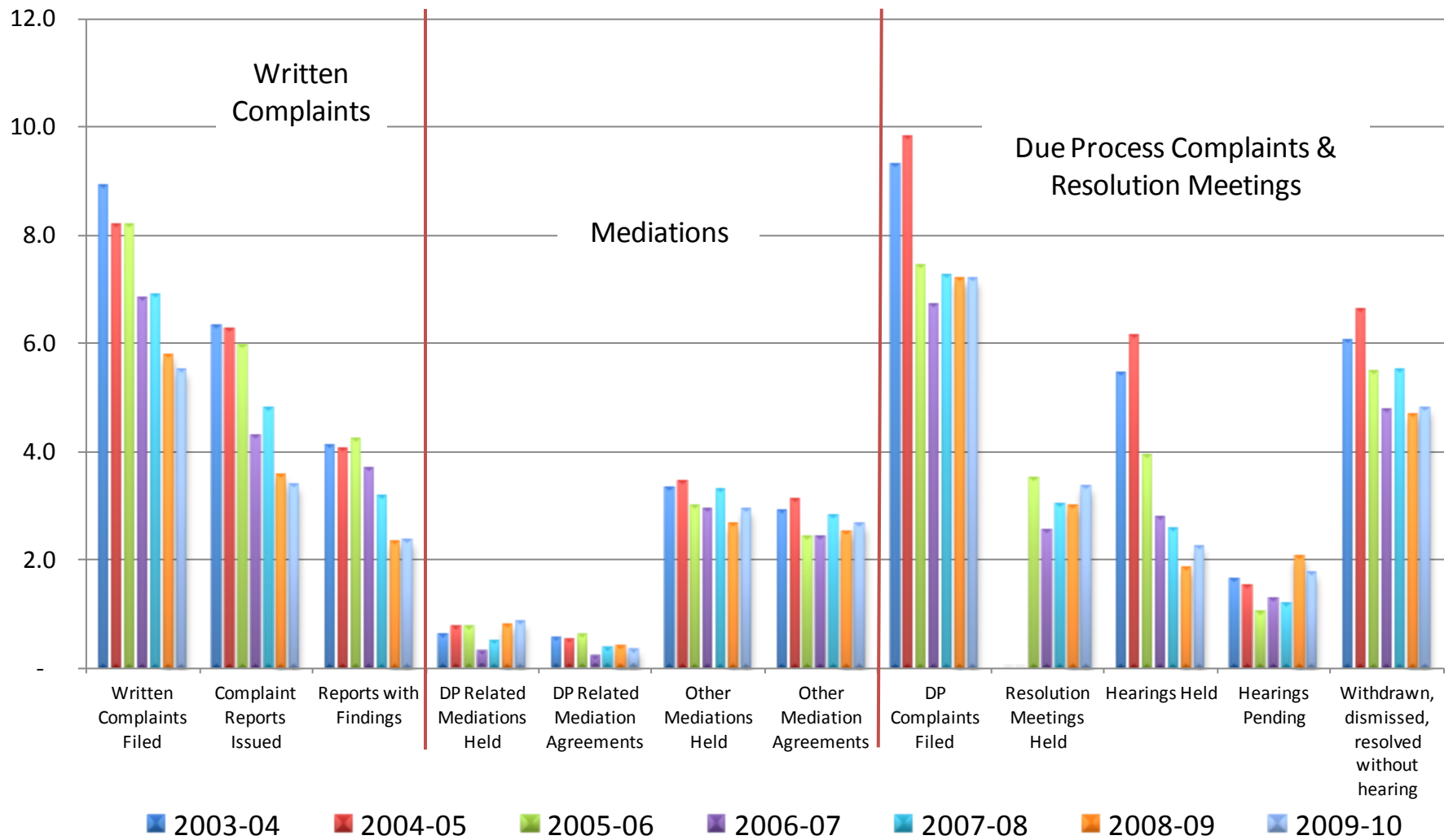
Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Summary of Dispute Resolution Activity - State with "Balanced Process" Use (Rates per 10,000 Special Education Childcount)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org

Dispute Resolution Activity - Mean of 5 States with Upstream Options (Rates per 10,000 Special Education Childcount)



Sources: CADRE Longitudinal Dispute Resolution Database (<http://www.directionservice.org/cadre/statecomprpts.cfm>) and Westat Data Accountability Center (<https://www.ideadata.org/PartBDispRes.asp>). Prepared by R. Zeller, CADRE - contact: rwzeller@directionservice.org



Why does the Performance of Part B Dispute Resolution Systems Vary? (in no particular order)

- Accessibility of informal dispute resolution options
- State/local culture with respect to contention
- LEA/school/staff capacity to respond to parent issues/concerns
- Quality of educational programs
- State level DR system organization & leadership
- SEA oversight (staffing, tracking, support)
- Personnel development (LEA staff, complaint investigators, hearing officers, mediators, others)
- PTI/SEA relationships
- Accessibility of advocacy and legal representation

Discussion
Comments
Q & A
Evaluation of this Session