

TABLE 4

Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act

July 1, 2007 – June 30, 2008

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1820-0678. The time required to complete this information collection is estimated to average 60 hours per State, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202. If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Special Education Programs, U.S. Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202.

Instructions

Authorization: P.L. 108-446, Section 618 (a)(1)(F), Section 618(a)(1)(H), and Section 618(a)(3)

Due Date: November 1, 2008

Sampling Allowed: No

Send Form to: Alexa Posny, Director
Office of Special Education Programs
Part C Data Reports
Program Support Services Group
Mail Stop 2600
550 12th Street, S.W.
Washington, D.C. 20202
Attn: Cheryl Broady

General Instructions

1. Counts should cover an entire year. For this data collection, a reporting year is defined as July 1, 2007 to June 30, 2008.
2. Report only the actions initiated during the 2007-08 reporting year. Do NOT include actions initiated in a previous reporting year that continued into the 2007-08 reporting year.
3. Italics in the instructions below denote terms defined in the glossary located at the end of the instructions.
4. No sampling is permitted for this data collection.

Specific Instructions, Section A: Written, Signed Complaints

In row 1, enter the total number of *written, signed complaints* received between July 1, 2007 and June 30, 2008.

- In row 1.1, enter how many of the complaints reported in row 1 were *complaints with reports issued* as of 60 days following the end of the reporting period; that is, enter how many of the complaints had a written decision from the lead agency as of August 29. Row 1.1 is a subset of row 1.
 - In row 1.1(a), enter how many of the reports issued were *reports with findings* (the lead agency found the local provider to be in noncompliance). Row 1.1(a) is a subset of row 1.1.

Note that the difference between the number entered in row 1.1 and the number entered in 1.1(a) is the number of reports with no findings.
 - In row 1.1(b), enter how many of the reports issued were *reports within timeline* (issued not more than 60 days after receiving the complaint). Do **NOT** include any written decisions issued more than 60 days after receiving the *written, signed complaint*. Written decisions within appropriately extended timelines are entered in row 1.1(c) *reports within extended timeline*. Row 1.1(b) is a subset of row 1.1.
 - In row 1.1(c), enter how many of the reports issued were *reports within extended timeline* (the 60 day timeline was appropriately extended due to exceptional circumstances). Row 1.1(c) is a subset of row 1.1.

Note that the difference between the number in row 1.1 and the sum of the numbers entered in rows 1.1(b) and 1.1(c) is the number of decisions issued late.
- In row 1.2, enter how many of the complaints included in row 1 were *complaints withdrawn* as of August 29 (60 days following the end of the reporting period). Row 1.2 is a subset of row 1.
- In row 1.3, enter how many of the complaints reported in row 1 were *complaints still pending* as of August 29 (60 days following the end of the reporting period). Row 1.3 is a subset of row 1.
 - In row 1.3(a), enter how many of the pending complaints are *complaints pending a due process hearing* (one or more of the allegations in the complaint are the subject of a *hearing request*¹ that has not been resolved). Row 1.3(a) is a subset of row 1.3.

Note that the difference between the number in row 1.3 and the number in row 1.3(a) is the number of *complaints pending* for other reasons.

Note that the sum of the numbers entered in rows 1.1, 1.2, and 1.3 must equal the number entered in row 1.

Specific Instructions, Section B: Mediation Requests

In row 2, enter the total number of *mediation requests* received between July 1, 2006 and June 30, 2007.

- In row 2.1(a), enter how many of the *mediation requests* included in row 2 were held as of the end of the reporting period (June 30) and were *mediations related to hearing requests* (mediations held to resolve a disagreement that was initiated due to the filing of a *hearing request*). Row 2.1(a) is a subset of row 2.

¹ For a State that has adopted Part B due process hearing procedures, for the purposes of this document, the term “*hearing request*” should be replaced with the term “*due process complaint*”.

- In row 2.1(a)(i), enter how many of the *mediation requests related to due process* resulted in a *mediation agreement*. Row 2.1(a)(i) is a subset of row 2.1(a).

Note that the difference between the number entered in row 2.1(a) and the number entered in row 2.1(a)(i) is the number of *mediations held that were related to a hearing request* and did not result in a *mediation agreement*.

In row 2.1(b), enter how many of the *mediation requests* included in row 2 were held as of the end of the reporting period (June 30) and were *mediations not related to hearing requests*. Row 2.1(b) is a subset of row 2.

- In row 2.1(b)(i), enter how many of the *mediations not related to hearing requests* resulted in a *mediation agreement*. Row 2.1(b)(i) is a subset of row 2.1(b).

Note that the difference between the number entered in row 2.1(b) and the number entered in row 2.1(b)(i) is the number of mediations held that were not the result of a *hearing request* and did not result in a *mediation agreement*.

Note that the sum of 2.1(a) and 2.1(b) is equal to the total number of mediations held.

- In row 2.2, enter how many of the *mediation requests were mediations not held* (had not been held as of the end of the reporting period). This includes *mediation requests* that are still pending. Row 2.2 is a subset of row 2.

Note that the sum of 2.1(a), 2.1(b), and 2.2 (that is mediations held and *mediations not held*) is equal to the total number of mediations requested (row 2).

Specific Instructions, Section C: Hearing Requests

In row 3, enter the total number of *hearing requests* received between July 1, 2006 and June 30, 2007.

- For a State that has adopted the Part B due process hearing procedures, in row 3.1, enter how many of the *hearing requests* included in row 3 resulted in a *resolution meeting* as of the end of the reporting period (June 30). Row 3.1 is a subset of row 3.

- In row 3.1(a), enter how many *resolution meetings* resulted in a *settlement agreement*. Row 3.1(a) is a subset of row 3.1.

Note that the difference between the number entered in row 3.1 and the number entered in row 3.1(a) is the number of *resolution meetings* held that did not result in a *settlement agreement*.

- For all states, in row 3.2, enter how many of the *hearing requests* reported in row 3 were *hearings (fully adjudicated)* as of the end of the reporting period (June 30); that is, the hearing was conducted and a written decision was issued by the hearing officer. Row 3.2 is a subset of row 3.

- In row 3.2(a), enter how many of the written decisions were *decisions within timeline*. Decisions within extended timelines are reported in row 3.2(b) *decisions within extended timelines*. Note that, in general, the ability to grant extensions is available under Part B due process hearing procedures but not under the Part C due process hearing procedures. Also in row 3.2(a), select the due process timeline used in your State (i.e., 30 day using the Part C due process hearing procedures, or 30-day or 45-day under the Part B due process hearing procedures adopted by the Part C lead agency). Row 3.2(a) is a subset of row 3.2.

- o In row 3.2(b), enter how many of the written decisions were *decisions within extended timelines* (if the State has adopted Part B due process hearing procedures, an extension to the timeline was granted by the hearing or reviewing officer). Row 3.2(b) is a subset of row 3.2.

Note that the difference between the number in row 3.2 and the sum of the numbers entered in rows 3.2(a) and 3.2(b) is the number of decisions issued late.

- In row 3.3, enter how many of the *hearing requests* included in row 3 were *resolved without a hearing* as of the end of the reporting period (June 30). Row 3.3 is a subset of row 3.

Note that the difference between the number entered in row 3 and the sum of the numbers entered in rows 3.2 and 3.3 is the number of hearings pending at the end of the reporting period (June 30).

Glossary of Data Elements (See OSEP Data Dictionary for Additional Definitions)

Complaint pending – A written, signed complaint that is either still under investigation or the lead agency's report is not complete.

Complaint pending a due process hearing – A written, signed complaint in which one or more of the allegations in the complaint are the subject of a *hearing request* that has not been resolved.

Complaint with report issued – A written decision was provided by the lead agency to the complainant and local provider regarding alleged violations of a requirement of Part C of IDEA 2004.

Complaint withdrawn– A written, signed complaint that was withdrawn by the complainant for any reason.

Decision within extended timeline - This section applies only to Part C lead agencies that have adopted the Part B due process hearing procedures (with either a 30-day or 45-day timeline). Thus, decisions within extended timelines are decisions that were issued: (1) beyond the 30-day or 45-day timeline adopted by the lead agency under the Part B due process hearing procedures after the end of the *resolution period*; but (2) still within the specific time extension granted by the hearing or reviewing officer (at the request of either party).

Decision within timeline – The written decision from a *hearing (fully adjudicated)* was provided to the parties in the hearing not later than 30 days after the receipt of a request for a hearing. If a State is using the Part B due process hearing procedures and has adopted a 45-day timeline, then decisions within timeline are decisions provided not later than 45 days after the end of the *resolution period*.

Due process complaint – For a State that has adopted Part B due process hearing procedures, a filing by a parent or local service provider or lead agency, as the case may be, to initiate an impartial due process hearing on matters relating to the identification, evaluation, or early intervention setting of a child with a disability, or to the provision of appropriate early intervention services to such child. The filing must meet the conditions specified in Section 615(b)(7) of IDEA 2004.

Hearing (fully adjudicated) – A hearing officer conducted a hearing, decided matters of law and issued a written decision to the parties.

Hearing request – A filing by a parent or local service provider or lead agency, as the case may be, to initiate an impartial due process hearing on matters relating to the identification, evaluation, or early

intervention setting of a child with a disability, or to the provision of appropriate early intervention services to such child.

Mediation agreement – A written agreement between a parent and local service provider or lead agency, as the case may be, reached through mediation that fully or partially resolves the issues in a dispute.

Mediation not held (including pending) – A request for mediation that has not been held.

Mediation not related to hearing request – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and local service provider or lead agency, as the case may be, that was not initiated due to the filing of a *hearing request*.

Mediation related to hearing request – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and local service provider or lead agency, as the case may be, that was initiated due to the filing of a *hearing request*.

Mediation request – A request by a party to a dispute involving any matter under Part C of IDEA 2004 to meet with a qualified and impartial mediator to resolve the dispute(s).

Report with findings - The written decision provided by the lead agency to the complainant and local provider in response to a *written, signed complaint*, which finds the local provider to be out of compliance with one or more requirements of Part C.

Report within extended timeline – The written decision from the lead agency was provided to the complainant and the local provider more than 60 days after the *written, signed complaint* was filed, but within an appropriately extended timeline. An appropriately extended timeline is an extension beyond 60 days that was granted due to exceptional circumstances that exist with respect to a particular complaint.

Report within timeline – The written decision from the lead agency to the complainant and the local provider was provided not later than 60 days after receiving the *written, signed complaint*.

Resolution meeting – For a State that has adopted Part B due process hearing procedures, a meeting, convened by the local provider or lead agency as the case may be, between the parties to discuss the parent's *due process complaint* and the facts that form the basis of the *due process complaint* so that the local provider or lead agency has the opportunity to resolve the dispute that is the basis for the *due process complaint*. The meeting must be held unless the parents and the local provider or lead agency agree in writing to waive such a meeting or agree to mediation.

Resolution period – For a State that has adopted Part B due process hearing procedures, 30 days from the receipt of a *due process complaint* unless the period is adjusted because: both parties agree in writing to waive the *resolution meeting*; after either the mediation or *resolution meeting* starts, but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or if both parties agree in writing to continue the mediation at the end of the 30-day *resolution period*, but later, the parent or local provider or lead agency, as the case may be, withdraws from the mediation process.

Resolved without a hearing – A *hearing request* that has not been fully adjudicated and is also not under consideration by a hearing officer. This includes *hearing requests* resolved through a *mediation agreement* or through a *resolution meeting settlement agreement*, those settled by some other agreement between the parties (parent and local service provider or lead agency, as the case may be) prior to completion of the hearing, those withdrawn by the filing party, those rejected by the hearing officer as without cause, and those not fully adjudicated for other reasons.

Settlement agreement – A legally binding written document, signed by the parent and a representative of the local service provider or lead agency, as the case may be, specifying the resolution of the basis for a *due process complaint* arrived at in a *resolution meeting*.

Written, signed complaint – A signed, written, letter submitted to a lead agency by an individual or organization (complainant) that alleges a violation of a requirement of Part C of IDEA 2004.

SECTION A: Written, Signed Complaints	
(1) Written, signed complaints total	
(1.1) Complaints with reports issued	
(a) Reports with findings	
(b) Reports within timeline	
(c) Reports within extended timeline	
(1.2) Complaints withdrawn	
(1.3) Complaints pending	
(a) Complaints pending a due process hearing	

SECTION B: Mediation Requests	
(2) Mediation requests total	
(2.1) Mediations held	
(a) Mediations held related to hearing requests	
(i) Mediation agreements	
(b) Mediations held not related to hearing requests	
(i) Mediation agreements	
(2.2) Mediations not held (including pending)	

SECTION C: Hearing Requests	
(3) Hearing requests total	
(3.1) Resolution meetings (only applicable if using Part B due process hearing procedures)	
(a) Settlement agreements	
(3.2) Hearings (fully adjudicated) (for all states)	
(a) Decisions within timeline SELECT timeline used: ___ 30 day Part C, or ___ 30 day Part B, or ___ 45 day Part B	
(b) Decisions within extended timeline (only applicable if using Part B due process hearing procedures)	
(3.3) Resolved without a hearing	

