

TABLE 7

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

July 1, **2008** – June 30, **2009**

(DRAFT 09-19-08)

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 1820-0677. The time required to complete this information collection is estimated to average 70 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, **2009**

Sampling Allowed: No

Send Form to: **William Knudsen**, Acting Director
Office of Special Education Programs
Part B 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, the reporting year is defined as July 1, 2008 through June 30, 2009.**
2. Report only the actions initiated during the 2008-09 reporting year. Do NOT include actions initiated in a previous reporting year that continued into the 2008-09 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* filed between July 1, **2008** and June 30, **2009**.

- In row 1.1, enter how many of the *written, signed complaints* (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 State educational agency (SEA) as of August 29, **2009**. 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 of 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 without findings of noncompliance.

- In row 1.1(b), enter how many of the reports issued were *reports within timeline* (60 days). Do **NOT** include any written decisions issued more than 60 days after the *written, signed complaint* was filed. 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*. 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 complaints with reports issued late (**not within the 60 day timeline or an extended timeline**).

- In row 1.2, enter how many of the *written, signed complaints* (row 1) were *complaints pending* as of August 29, 2009 (60 days following the end of the reporting period). Row 1.2 is a subset of row 1.
 - In row 1.2(a), enter how many of the pending complaints were *complaints pending a due process hearing*. Row 1.2(a) is a subset of row 1.2.

Note that the difference between the number in row 1.2 and the number in row 1.2(a) is the number of *complaints pending* for reasons **other than pending a due process hearing**.

- In row 1.3, enter how many of the *written, signed complaints* (row 1) were *complaints withdrawn or dismissed* as of August 29, 2009 (60 days following the end of the reporting period). Row 1.3 is a subset of row 1.

Note that the sum of the numbers entered in rows 1.1, 1.2, and 1.3 must equal the total number of **written, signed complaints** (row 1).

Specific Instructions, Section B: Mediation Requests

In row 2, enter the total number of *mediation requests* received between July 1, **2008** and June 30, **2009**.

- In row 2.1, enter how many of the *mediation requests* (row 2) resulted in *mediations held* as of the end of the reporting period (June 30, **2009**). Row 2.1 is a subset of row 2.
 - In row 2.1(a), enter how many of the *mediations held* were *mediations held related to due process complaints*. Row 2.1(a) is a subset of row 2.1.
 - In row 2.1(a)(i), enter how many of the *mediations held related to due process complaints* resulted in *mediation agreements* as of the end of the reporting period (June 30, **2009**). 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 related to due process complaints* that did not result in a *mediation agreement*.

- In row 2.1(b), enter how many of the *mediations held* were *mediations held not related to due process complaints*. Row 2.1(b) is a subset of row 2.1.
 - In row 2.1(b)(i), enter how many of the *mediations held not related to due process complaints* resulted in *mediation agreements* as of the end of the reporting period (June 30, 2009). 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 not related to due process complaints* that did not result in a *mediation agreement*.

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

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

Note that the sum of 2.1(a), 2.1(b) and 2.2 is equal to the total number of mediations requested (row 2).

Specific Instructions, Section C: Due Process Complaints

In row 3, enter the total number of *due process complaints* filed between July 1, **2008** and June 30, **2009**. *Expedited due process complaints* are to be included in the counts entered in this section. *Expedited due process complaints* are also entered separately in Section D below.

- In row 3.1 enter how many of the *due process complaints* (row 3) resulted in a *resolution meeting* as of the end of the reporting period (June 30, **2009**). Row 3.1 is a subset of row 3.
 - In row 3.1(a), enter how many *resolution meetings* resulted in a *written settlement agreement* as of the end of the reporting period. 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 *written settlement agreement* as of the end of the reporting period (June 30, **2009**).

- In row 3.2, enter how many of the *due process complaints* (row 3) resulted in *hearings fully adjudicated* as of the end of the reporting period, that is, the due process hearing was conducted and the hearing officer issued a written decision by June 30, 2009. 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*. (Do not include here the decisions within extended timelines.) Row 3.2(a) is a subset of row 3.2.
 - In row 3.2(b), enter how many of the written decisions included in row 3.2 were *decisions within extended timelines*. (Decision must be issued within specific time extension granted by the hearing 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 in rows 3.2(a) and 3.2(b) is equal to the number of decisions issued beyond the required timeline.

- In row 3.3, enter how many of the *due process complaints* (row 3) were *resolved without a hearing* as of the end of the reporting period (June 30, 2009). 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 *due process complaints* pending as of the end of the reporting period.

Specific Instructions, Section D: Expedited Due Process Complaints

In row 4, enter the total number of *expedited due process complaints* filed between July 1, **2008** and June 30, **2009**. The *expedited due process complaints* entered in row 4 are a subset of the *due process complaints* reported in row 3 of Section C.

- In row 4.1, enter how many of the *expedited due process complaints* (row 4) resulted in a *resolution meeting* as of the end of the reporting period (June 30, **2009**). Row 4.1 is a subset of row 4. Row 4.1 is also a subset of the *resolution meetings* entered in row 3.1 of Section C.
 - In row 4.1(a), enter how many *resolution meetings* resulted in a *written settlement agreement* as of the end of the reporting period. Row 4.1(a) is a subset of row 4.1. Row 4.1(a) is also a subset of the *written settlement agreements* reported in row 3.1(a) of Section C.

Note that the difference between the number entered in row 4.1 and the number entered in row 4.1(a) is the number of *resolution meetings* held that did not result in a *written settlement agreement* as of the end of the reporting period (June 30, **2009**).

- In row 4.2, enter how many of the *expedited due process complaints* (row 4) resulted in *expedited hearings fully adjudicated* as of the end of the reporting period, that is, the due process hearing was conducted and the hearing officer issued a written decision by June 30, 2009. Row 4.2 is a subset of row 4. Row 4.2 is also a subset of the *hearings fully adjudicated* reported in row 3.2 of Section C.
 - In row 4.2(a), enter how many of the written decisions resulted in a *change of placement ordered*. Row 4.2(a) is a subset of row 4.2.

Note that the difference between the number entered in row 4.2 and the number entered in row 4.2(a) is the number of written decisions that did not result in a change of placement.

Note that the difference between the number entered in row 4 and the number entered in row 4.2 is the number of *expedited due process complaints* that did not result in *expedited hearings fully adjudicated* and the number of *expedited due process complaints* pending.

Glossary of Data Elements

Change of placement ordered – The hearing officer’s written decision in an *expedited due process hearing fully adjudicated* ordered a change in placement of a child with a disability **to an appropriate interim alternative educational setting**.

Complaint pending – A written, signed complaint that is either still under investigation or the SEA’s written decision has not been issued.

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 *due process complaint* that has not been resolved.

Complaint with report issued – A written decision was provided by the SEA to the complainant and public agency regarding alleged violations of a requirement of Part B of IDEA.

Complaint withdrawn or dismissed – A written, signed complaint that was withdrawn by the complainant for any reason or that was determined by the SEA to be resolved by the complainant and the public agency through mediation or other dispute resolution means and no further action by the SEA was required to resolve the complaint; **or a complaint dismissed by the SEA for any reason, including that the complaint does not include all required content.**

Decision within extended timeline - The written decision from a *hearing fully adjudicated* was provided to the parties in the due process hearing more than 45 days after the expiration of the *resolution period*, but within a specific time extension granted by the hearing 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 due process hearing not later than 45 days after the expiration of the *resolution period* or in the case of an *expedited due process complaint*, provided no later than 10 school days after the due process hearing, which must occur within 20 school days of the date the *expedited due process complaint* is filed.

Due process complaint – A filing by a parent or public agency to initiate an impartial due process hearing on matters relating to the identification, evaluation, or educational placement of a child with a disability, or the provision of a **free appropriate public education** to the child.

Expedited due process complaint – A *due process complaint* filed by: (1) the parent of a child with a disability who disagrees with any decision regarding the manifestation determination and/or disciplinary removal of a student from an educational placement and the placement of that student in an interim alternative educational setting; or (2) a local educational agency that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Expedited due process hearing fully adjudicated – A hearing officer conducted a due process hearing concerning an *expedited due process complaint*, reached a final decision regarding matters of law and fact and issued a written decision **to the parties** about whether a change of placement is ordered.

***Hearing fully adjudicated* – A hearing officer conducted a due process hearing, reached a final decision regarding matters of law and fact and issued a written decision to the parties.**

Mediation agreement – A written legally binding agreement signed by a parent and a representative of the public agency **who has the authority to bind the public agency** that specifies the resolution of any issues in the dispute that were reached through the mediation process. **A mediation agreement that fully or partially resolves issues in dispute is included in “mediation agreement”.**

***Mediation held* - A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency involving any matter under Part B of IDEA or 34 CFR Part 300, and that concluded with or without a written *mediation agreement* between the parties.**

Mediation held not related to due process complaint – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was not initiated by the filing of a *due process complaint* **or did not include issues that were the subject of a *due process complaint*.**

Mediation held related to due process complaint – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was initiated by the filing of a *due process complaint* **or included issues that were the subject of a *due process complaint*.**

***Mediation not held (including pending)* – A request for mediation that did not result in a mediation being conducted by a qualified and impartial mediator. This includes mediation requests that were withdrawn, mediation requests that were dismissed, requests where one party refused to mediate, requests that were settled by some agreement other than a *mediation agreement* between the parties, and requests that were pending as of the end of the reporting period.**

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

Report with findings of noncompliance - The written decision provided by the SEA to the complainant and public agency in response to a *written, signed complaint*, which finds the public agency to be out of compliance with one or more requirements of Part B of IDEA **or 34 CFR Part 300.**

Report within extended timeline – The written decision from the SEA was provided to the complainant and the public agency 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; or if the parent and the public agency involved agreed to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution, if available in the State or under State procedures.

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

Resolution meeting – A meeting, convened by **the local educational agency (LEA)**, between the parent(s) and school personnel to discuss the parent’s *due process complaint* and the facts that form the basis of the *due process complaint* so that the LEA has the opportunity to resolve the dispute that is the basis for the *due process complaint*.

Resolution period – Thirty (30) days from the LEA’s receipt of a *due process complaint* unless the period is adjusted because: (1) both parties agree in writing to waive the *resolution meeting*; or (2) 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 (3) if both parties agree in writing to continue the mediation at the end of the 30-day *resolution period*, but later, the parent or public agency withdraws from the mediation process.

Resolved without a hearing – A *due process complaint* that has not resulted in a fully adjudicated due process hearing and is also not under consideration by a hearing officer. This includes *due process complaints* resolved through a *mediation agreement* or through a *written settlement agreement*, those settled by some other agreement between the parties (parent and public agency) prior to completion of the due process hearing, those withdrawn by the filing party, those determined by the hearing officer to be insufficient or without cause, and those not fully adjudicated for other reasons.

Written settlement agreement – A legally binding written document, signed by the parent and a representative of the public agency, specifying the resolution of the dispute that formed the basis for a *due process complaint* arrived at in a *resolution meeting*. **For the purposes of reporting on Table 7, a *written settlement agreement* is one that fully resolves all issues of the *due process complaint* and negates the need for a due process hearing.**

Written, signed complaint – A signed, written document submitted to the SEA by an individual or organization (complainant) that alleges a violation of a requirement of Part B of IDEA **or 34 CFR Part 300, including cases in which some required content is absent from the document.**

STATE: _____

| SECTION A: Written, Signed Complaints | |
|--|--|
| (1) Total number of written, signed complaints filed | |
| (1.1) Complaints with reports issued | |
| (a) Reports with findings of noncompliance | |
| (b) Reports within timeline | |
| (c) Reports within extended timelines | |
| (1.2) Complaints pending | |
| (a) Complaints pending a due process hearing | |
| (1.3) Complaints withdrawn or dismissed | |
| SECTION B: Mediation Requests | |
| (2) Total number of mediation requests received | |
| (2.1) Mediations held | |
| (a) Mediations held related to due process complaints | |
| (i) Mediation agreements related to due process complaints | |
| (b) Mediations held not related to due process complaints | |
| (i) Mediation agreements not related to due process | |
| (2.2) Mediations not held (including pending) | |
| SECTION C: Due Process Complaints | |
| (3) Total number of due process complaints filed | |
| (3.1) Resolution meetings | |
| (a) Written settlement agreements | |
| (3.2) Hearings fully adjudicated | |
| (a) Decisions within timeline (include expedited) | |
| (b) Decisions within extended timeline | |
| (3.3) Resolved without a hearing | |
| SECTION D: Expedited Due Process Complaints (Related to Disciplinary Decision) | |
| (4) Total number of expedited due process complaints filed | |
| (4.1) Resolution meetings | |
| (a) Written settlement agreements | |
| (4.2) Expedited hearings fully adjudicated | |
| (a) Change of placement ordered | |