

TABLE 7

Report of Dispute Resolution Under Part B 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 1820-0677. The time required to complete this information collection is estimated to average 70 hours per SEA response, 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)(G), Section 618(a)(1)(H), and Section 618(a)(3); 34 CFR §§300.640, 300.644, 300.645

Due Date: November 1, 2008

Sampling Allowed: No

Send Form to: Patricia J. Guard, Acting Director
Office of Special Education Programs
Part B Data Reports
Program Support Services Group
Mail Stop 2600
550 12th Street, SW
Washington, D.C. 20202
Attn: Cheryl Broady

General Instructions

1. Counts should cover the entire school year. For this data collection, a school year is defined as July 1, 2007 to June 30, 2008.
2. Report only the actions initiated during the 2007-08 school year. Do NOT include actions initiated in a previous school year that continued into the 2007-08 school 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.

5. **In providing data for this collection, the State is to submit complete and unsuppressed data.**

Specific Instructions, Section A: Written, Signed Complaints

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

- In row 1.1, enter how many of the complaints included 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 SEA as of August 29, 2008. 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 SEA found the LEA 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*. Do NOT include any written decisions issued more than 60 days after the *written, signed complaint* was filed. 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*. 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 or dismissed* 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 included 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*. 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, 2007 and June 30, 2008.

- In row 2.1, enter the total number of mediations held as of the end of the reporting period (June 30).
- In row 2.1(a), enter how many of the mediations held included in row 2.1 were *mediations 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 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 due process complaints* and did not result in a *mediation agreement*.

- In row 2.1(b), enter how many of the mediations held included in row 2.1 were *mediations 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 not related to *due process complaints* 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 not related to due process complaints* and did not result in a *mediation agreement*.

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

- In row 2.2, enter how many of the mediations requested 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: Due Process Complaints

In row 3, enter the total number of *due process complaints* filed between July 1, 2007 and June 30, 2008. Include *expedited due process complaints* 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* 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 *written 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 *written settlement agreement*.
- In row 3.2, enter how many of the *due process complaints* included in row 3 resulted in *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*. Do NOT include any decisions issued more than 45 days after the end of the *resolution period*. Decisions within extended timelines are reported in row 3.2(b) *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 were *decisions within extended timelines*. 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 *due process complaints* 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 and includes resolutions reached through *written settlement agreements* reported under row 3.1(a), and other ways in which *due process complaints* may be resolved without a due process hearing being held.

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 (June 30).

Specific Instructions, Section D: Expedited Due Process Complaints (Related to Disciplinary Decision)

In row 4, enter the total number of *expedited due process complaints* filed between July 1, 2007 and June 30, 2008. These *expedited due process complaints* are a subset of the *due process complaints* included in row 3 of Section C. All *expedited due process complaints* should also be included in Section C above.

- In row 4.1, enter how many of the *expedited due process complaints* included in row 4 resulted in a *resolution meeting* as of the end of the reporting period (June 30). 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*. 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*.
- In row 4.2, enter how many of the *expedited due process complaints* included in row 4 resulted in *expedited 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 about whether a change of placement should be made. Row 4.2 is a subset of row 4. Row 4.2 is also a subset of the *expedited hearings (fully adjudicated)* entered 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 a fully adjudicated expedited hearing.

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

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.

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 LEA regarding alleged violations of a requirement of Part B of IDEA 2004.

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.

Decision within extended timeline – The written decision from a *hearing (fully adjudicated)* was provided to the parties in the hearing more than 45 days after the expiration of the *resolution period*, but within a 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 45 days after the expiration of the *resolution period* or in the case of *expedited due process complaints*, provided no later than 10 school days after the 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 FAPE to the child.

Due process hearing (fully adjudicated) – A hearing officer conducted a hearing, reached a final decision regarding matters of law and fact and issued a written decision to the parent and public agency.

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, as provided for in Section 615(k) of IDEA 2004; or (2) an LEA that believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others, as provided for in Section 615(k) of IDEA 2004.

Expedited due process hearing (fully adjudicated) – A hearing officer conducted a hearing concerning an *expedited due process complaint* and issued a written decision to the parent and public agency about whether a change of placement should be made.

Mediation agreement – A written legally binding agreement, signed by a parent and a representative of the public agency that specifies the resolution of any issues in the dispute that were reached through the mediation process.

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

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*.

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*.

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

Report with findings – 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 2004.

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 agree to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution, if available in the State; or if the individual or organization and the public agency involved agree to extend the time limit to engage in mediation or other alternative means of dispute resolution available under State procedures.

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

Resolution meeting – A meeting, convened by the 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 receipt of the *due process complaint* by the LEA, 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 hearing, those withdrawn by the filing party, those determined by the hearing officer to be insufficient, 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*.

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 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 or dismissed | |
| (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 due process complaints | |
| (i) Mediation agreements | |
| (b) Mediations held not related to due process complaints | |
| (i) Mediation agreements | |
| (2.2) Mediations not held (including pending) | |

| SECTION C: Due Process Complaints | |
|---|--|
| (3) Due process complaints total | |
| (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) Expedited due process complaints total | |
| (4.1) Resolution meetings | |
| (a) Written settlement agreements | |
| (4.2) Expedited hearings (fully adjudicated) | |
| (a) Change of placement ordered | |