

**Annual Mandatory Collection of Elementary and Secondary
Education Data through *EDFacts***

June 2010

ATTACHMENT B-8

***EDFacts* Data Set
Dispute Resolution**

INTRODUCTION

This attachment explains data required to be submitted for dispute resolution under the Individuals with Disabilities Education Act (IDEA). The data required are organized into the following areas:

- Written, Signed Complaints
- Mediation Requests
- Due Process Complaints
- Expedited Due Process Complaints (related to Disciplinary Decision)

This attachment contains a section that explains the requirements for each of these areas. The final section of this attachment is a glossary of terms.

REQUIREMENTS FOR SUBMITTING THE DATA

These data are due November 1.

The reporting period for all the data required in this attachment is July 1 to June 30.

Include only actions initiated during the reporting year. Do not include actions initiated in a previous reporting year that continued into the current reporting year.

WRITTEN, SIGNED COMPLIANTS

For this area, SEAs will provide the total number of *written, signed complaints* filed during the reporting period and the following subsets of that number:

- Complaints with reports issued - The number of *written, signed complaints* that were *complaints with reports issued* as of 60 days following the end of the reporting period; that is, the number of complaints that had a written decision from the SEA as of August 29. Also, provide the following subsets of that number:
 - Reports with findings of noncompliance - The number of the reports issued that were *reports with findings of noncompliance*.

Business rule – This number plus the number without findings of noncompliance equals the number of complaints with reports issued.
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- o Reports within timeline - The number of reports issued that were *reports within timeline* (60 days). Do NOT include any written decisions issued more than 60 days after the *written, signed complaint* was filed.
- o Reports within extended timelines - The number of the reports issued that were *reports within extended timeline*.

Business rule – The sum of reports within timeline, reports within extended timeline, and the reports issued late equals the number complaints with reports issued.

- Complaints pending - The number of *written, signed complaints* that were *complaints pending* as of August 29. Also, the provide the following subset of that number:
 - o Complaints pending a due process hearing - The number of the pending complaints that were *complaints pending a due process hearing*.

Business rule – This number plus the number of complaints pending for reasons other than pending a due process hearing equal the number of complaints pending.

- Complaints withdrawn or dismissed - The number of *written, signed complaints* that were *complaints withdrawn or dismissed* as of August 29 (60 days following the end of the reporting period).

Business rule – This sum of the complaints with reports issued, complaints pending, and complaints withdrawn or dismissed must equal the total number of written, signed complaints.

MEDIATION REQUESTS

For this area, SEAs will provide the total number of *mediation requests* received through all dispute resolution processes during the reporting period and the following subsets of that number:

- Mediations held - The number of *mediation requests* that resulted in *mediations held* as of the end of the reporting period (June 30). Also, provide the following subsets of that number:
 - o Mediations held related to due process complaints - The number of *mediations held* that were *mediations held related to due process complaints*. Also, provide the following subset of that number:

- Mediation agreements related to due process complaints – The number of *mediations held related to due process complaints* that resulted in *mediation agreements* as of the end of the reporting period (June 30).

Business rule – This number plus the number of mediation held related to due process complaints that did not result in a mediation agreement equals the total number of mediations held.

- o Mediations held not related to due process complaints - The number of *mediations held* that were *mediations held not related to due process complaints*. Also, provide the following subset of that number:
 - Mediation agreements not related to due process complaints - The number of *mediations held not related to due process complaints* that resulted in *mediation agreements* as of the end of the reporting period (June 30).

Business rule – This number plus the number of *mediations held not related to due process complaints* that did not result in a *mediation agreement* equals the *mediations held not related to due process complaints*.

Business rule – The sum of mediations held related to due process complaints and the mediations held not related to due process complaints equals the number of mediations held.

- Mediations pending - The number of mediation *requests* that were *mediations pending* as of the end of the reporting period (June 30). This includes *mediation requests* that were pending as of the end of the reporting period.
- Mediations withdrawn or not held - The number of *requests* that were *mediations **withdrawn or not held*** as of the end of the reporting period (June 30).

Business rule – The sum of mediations held, mediations pending, and mediations withdrawn or not held equals the number of mediation requests received.

DUE PROCESS COMPLIANTS

For this area, SEAs will provide the number of *due process complaints* filed during the reporting period. *Expedited due process complaints* are included here and also reported separately. Also, SEAs will provide the following subsets of that number:

- Resolution meetings - The number of the *due process complaints* that resulted in a *resolution meeting* as of the end of the reporting period (June 30). Also, provide the following subset of that number:
 - o Written settlement agreements reached through resolution meetings - The number of *resolution meetings* that resulted in a *written settlement agreement* as of the end of the reporting period.

Business rule – This number plus number of *resolution meetings* held that did not result in a *written settlement agreement* as of the end of the reporting period equals the number of resolution meetings.

- Hearings fully adjudicated - The number of *due process complaints that* 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. Also, provide the following subsets of that number:
 - o Decisions within timeline (including expedited) - The number of written decisions that were *decisions within timeline*. Do not include here the decisions within extended timelines.
 - o Decisions within extended timeline - The number of written decisions that were *decisions within extended timelines*. Decision must be issued within specific time extension granted by the hearing or reviewing officer

Business rule – This sum of the decisions within timeline, decisions within extended timeline, and late decisions equals the hearings fully adjudicated.

- Due process complaints pending - The number of the *due process complaints* were *due process complaints pending* as of the end of the reporting period (June 30).
- Due process complaints withdrawn or dismissed - The number the *due process complaints* were *withdrawn or dismissed* (including resolved without a hearing) as of the end of the reporting period (June 30)

Business rule – This sum of hearings fully adjudicated, due process complaints pending, and due process complaints withdrawn or dismissed equals the due process complaints.

EXPEDITED DUE PROCESS COMPLAINTS

This area is a subset of the due process complaints area. For this area, SEAs will provide the number of *expedited due process complaints* filed during the reporting period and the following subsets of that number:

- Resolution meetings - The number of the *expedited due process complaints* resulted in a *resolution meeting* as of the end of the reporting period (June 30) and the following subset of that number:
 - Written settlement agreements - The number of *resolution meetings* that resulted in a *written settlement agreement* as of the end of the reporting period.

Business rule – This number plus the number of *resolution meetings* held that did not result in a *written settlement agreement* as of the end of the reporting period equals the number of resolution meetings.

- Expedited hearings fully adjudicated - The number of *expedited due process complaints* that 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.
 - Change of placement orders - The number of written decisions that resulted in a *change of placement ordered*.

Business rule – This number plus number of written decisions that did not result in a change of placement equal the number of expedited hearings fully adjudicated.

- Expedited due process complaints pending - The number of the *expedited due process complaints* that were *expedited due process complaints pending* as of the end of the reporting period (June 30).
- Expedited due process complaints withdrawn or dismissed – *The number of expedited due process complaints* that were *withdrawn or dismissed* as of the end of the reporting period (June 30).

Business rule – The sum of expedited hearings fully adjudicated, expedited due process complaints pending, and expedited due process complaints withdrawn or dismissed equals the expedited due process complaints.

GLOSSARY

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 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 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.

Due process complaint pending – A due process complaint wherein a due process hearing has not yet been scheduled or is scheduled but has not yet been held.

Due process complaint withdrawn or dismissed - A *due process complaint* that has not resulted in a fully adjudicated due process hearing. 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. This does not include *due process complaints* that are pending a due process hearing.

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 complaint pending – An expedited due process complaint wherein an expedited due process hearing has not yet been scheduled or is scheduled but has not yet been held.

Expedited due process complaint withdrawn or dismissed – An *expedited due process complaint* that has not resulted in an expedited fully adjudicated due process hearing. This includes *expedited 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 expedited 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. This does not include *expedited due process complaints* that are pending an expedited due process hearing.

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 – 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, and requests that were settled by some agreement other than a *mediation agreement* between the parties.

Mediation pending – A request for mediation that has not yet been scheduled or is scheduled but has not yet been held.

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.

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.