

Part B Dispute Resolution Data Notes

2015-16 Reporting Year

This document provides information or data notes on the ways in which states collected and reported data differently from the Office of Special Education Programs (OSEP) data formats and instructions. In addition, the data notes provide explanations of substantial changes or other changes that data users may find notable or of interest in the data from the previous year.

Alabama

The increase in mediation requests received through all dispute resolution processes from 2014-2015 to 2015-2016 demonstrates the active approach taken by the Alabama State Department of Education (ALSDE), Special Education Services encouraging LEAs to utilize mediation, prior to a hearing, as an alternative method to reach an agreement within due process complaints.

Arizona

The increase in state complaints over the past few years may be attributed to a number of factors including: high turnover of special education administrators and teachers, causing experience with procedural compliance to lack depth; continued increase in special education population in Arizona; increased parental understanding of procedural safeguards and special education procedures due to effective training and technical assistance as well as an enhanced relationship between the SEA and Arizona's parent and training information center, Raising Special Kids; and the transformation of the state monitoring system to increase the focus on results driven accountability (RDA) and decrease the focus on procedural compliance. Arizona is monitoring this state complaint increase and taking steps to retain special education administrators and teachers, continue the positive working relationship with Arizona's PTI, and more effectively balance procedural compliance and RDA within the state monitoring system.

Florida

The number of state facilitated IEP meeting requests have increased which has reduced our number of mediations.

Indiana

For the past 17 years, the number of complaints filed in Indiana have fluctuated between 80 and 135. The total number of complaints filed during 2015-16 (134) falls within this trend.

Several of the urban areas each had slight increases in the numbers of complaints filed. It should also be noted that some parents repeatedly filed complaints for various issues during the 2015-16 reporting period which resulted in an increase of the total number of complaints filed statewide.

Maryland

Year-to-year change from the 2014-2015 count to 2015-2016 count of written signed complaints filed, increased by 64.89% which represent by an increase of 61 written signed complaints filed in the 2015-2016 Dispute Resolution Count. This increase is due to the effectiveness of MSDE's continuing efforts to inform parents of their right to utilize the State complaint process, as a means through which to resolve their issues with school systems, when informal dispute resolution has not been successful.

Massachusetts

MA has seen a jump in complaints due to the awareness of the electronic intake form posted on our website. A majority of state's intake forms are submitted using the electronic form now.

Minnesota

The number of special education complaints filed In Minnesota has increased over the last two years. In Minnesota, parents more commonly file a special education complaint rather than a due process complaint. One reason for the increase in special education complaints is better outreach to parents of students with disabilities. Beginning with the 2014-15 school year, the Minnesota Department of Education (MDE) issued a three year parent and advocacy and training grant. The grantee's work plan addresses the unique needs of geographically and ethnically diverse families with all disabilities to help improve educational outcomes for students with disabilities. One of the grantee's goals is to improve parent's knowledge and use of conflict resolution options including mediation, facilitated team meetings, complaints and due process hearings. Another reason for the increase is the number of online trainings available on the MDE website and an increase in the number of trainings provided on a number of special education content areas. Those trainings are provided to direct service providers, advocates, and special education administrators. Topics over the 2015-16 school year included student discipline, seclusion and restraint and positive behavior supports, prior written notice and progress reporting. The top complaint violations during 2014-15 and 2015-16 included prior written notice and progress reporting.

North Carolina

North Carolina's data indicated that there was an increase in due process complaints filed during the 2015-2016 school year. The increase is attributed to the number of parents less inclined to participate in less formal dispute resolution strategies – Facilitated IEP Team meetings, written state complaints and

mediation. An analysis of the data also indicates that the majority of parents filing the due process complaints were represented by the same individuals/groups (attorneys and/or advocacy representatives). Informal discussions with parent attorneys uncovered a belief that utilizing less formal dispute resolution strategies damages a client's overall ability to prevail in due process hearings. This is attributed to the successful outcomes achieved through those strategies.

North Carolina's decrease in written state complaints concurrently with the increase in due process complaints suggests that this belief may be in practice.

Wisconsin

The Wisconsin Special Education Mediation System has increased its outreach activities, which has led to increased public awareness of its availability and services. The system also continues to receive high satisfaction rates, as well as high agreement rates, which contributes to frequent users.