

PART B DISPUTE RESOLUTION DATA NOTES

2012-13 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.

Arizona

During the 2012-13 reporting year, we had one parent who filed approximately 20 due process complaints against the same district, which would account for the significant increase.

There were no expedited due process complaints.

Arkansas

The total number of mediation requests received through all dispute resolution processes has always fluctuated greatly depending on the given year. Arkansas tries to have districts and parents attempt Mediation resolution prior to making hearing requests. The Arkansas Mediation Center is operated by the University of Arkansas at Little Rock Bowen School of Law.

The missing "Written Settlement Agreements" should have a value of 0. We tried to resubmit via EMAPS however the survey form is unavailable.

Colorado

After the initial submission of Colorado's 2012-13 Table 7 data in November 2013, CDE had the opportunity to review the dispute resolution database with a specialist, in order to discuss improvements of the collection and reporting system. The 2012-13 data was used to test calculations and it was discovered in that review that staff had mistakenly used 7/29/13, rather than 8/29/13, as the cut off for the calculations within Section A of the Table 7 data. This error affected only Section (A) of the Table. We have set calculations in place for future reporting so that this human error should not occur in the future.

Connecticut

There was a marked increase in the total number of written signed complaints submitted to the Connecticut State Department of Education (CSDE) in the 2012-13 reporting period. Under our general supervision responsibilities, the CSDE, in 2013, investigated the special education program in a Connecticut school district; this investigation was extensively covered by the press over several months. Leading up to that GSS investigation, the CSDE received a significantly higher number of complaints from that school district than in previous years. We suspect that the visibility of the Complaint Resolution

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Process (CRP) was raised by the investigation and press coverage and led to an increased number of complaints filed with regard to other school districts. Finally, the number of complaints submitted to the CSDE over the last 7 years has consistently gone up each year. We believe the increase is a result of department efforts working with parent group partners and other agencies to make families and advocates aware of the CRP as an accessible forum in which to resolve disputes as well as offering a low cost alternative to due process hearings.

Florida

The year to year change in due process complaints filed stems from an increase in filings by one specific advocate (thirty-seven cases were filed by this advocate in 2012-13).

Georgia

While the number of written signed complaints filed increased during 2012-2013; the number of due process complaints filed decreased. The increase in mediation requests and the decrease in due process complaints filed correlate with the increase in written complaints filed. The shift in the types of dispute filings from due process complaints to written signed complaints is felt to reflect the increasing confidence parents and districts have in the Georgia Department of Education to effectively and impartially respond to written signed complaints as part the dispute resolution process.

Hawaii

Recent changes in the law, involving private school reimbursements and monitoring, was expected to impact the number of due process hearings filed. These data are being monitored closely and it is expected that the due process numbers filed will eventually normalize in the next few years.

Indiana

Reviewing the 2012-13 data for complaint trends, it is worth noting that four LEAs had six or more complaints each and the subtotal for these four schools was 29 of the state's 133 (22%). In a responsive effort to help these schools increase compliance, special conditions have been imposed on one of these LEAs and another is currently subject to compliance-focused monitoring.

Michigan

Due to an increase in locals participating in alternative dispute resolution practices between the two parties, Michigan has seen a decrease in the number of mediation requests received through all dispute processes.

Additionally, decrease in the number of mediation requests is also likely due to increased outreach on IEP facilitation and a new document, "Problem Solving in Special Education." Both efforts have increased public interest and use of dispute resolution, rather than mediation, as a problem-solving mechanism.

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Mississippi

Total number of written signed complaints filed. - The drop in written signed complaints may be attributed to the fact that our office stresses the use of mediation and IEP facilitation prior to the filing of any formal complaint. We provide ongoing training in partnership with MS PTI and other advocacy groups.

Missouri

The increase in number of written signed complaints filed is largely comprised of an increase of 14 complaints for two charter schools as well as a small number of parents who filed multiple complaints during 2012-13.

Oklahoma

Oklahoma observed the following possible causes for decrease in complaints, mediation requests, due process complaints:

The Oklahoma State Department of Education (OSDE), in conjunction with the Special Education Resolution Center (SERC), expanded to include innovative programs to assist parents and school district in settling disputes at the earliest stage possible. These programs include – Individual Education Program (IEP) facilitation and facilitated resolution sessions. OSDE and Oklahoma Parent Center (OPC) staff also provides direct and indirect assistance to parents to facilitate communication with school district personnel, helping to resolve disputes before further action is taken. These steps have led to a decrease in the requests for formal proceedings.

Puerto Rico

The state attributed the changes in total number of mediation due to increased parental due process complaints filed by parents.

The state attributed the increase in the due process complaint to internal procedures of the State to address the fiscal crisis. They have also been an increase in the application for assistant in special services which has led to an increase in disputes, hence the complaints have increased.

Vermont

The Vermont Agency of Education (AOE) encourages parents to work with LEA personnel and Vermont Family Network (VFN) when issues arise with schools. In addition, the AOE and VFN provide technical assistance to school and LEA personnel relating to working collaboratively with parents. This may result in a decrease in complaints.

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Wisconsin

Wisconsin has been nationally recognized for its exemplary dispute resolution process by the Consortium for Appropriate Dispute Resolution in Special Education (CADRE).