

IDEA Part B Dispute Resolution for School Year 2013- 2014

OSEP Data Documentation

December 2015

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1.0 Introduction

1.1 Purpose

The purpose of this document is to provide information necessary to appropriately use state level data files on IDEA Part B Dispute Resolution from OSEP. The accompanying data file provides data provide the counts for the number of occurrences in the following sections:

- Written, signed complaints which are defined as 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 of 34 CFR Part 300, including cases in which some required content is absent from the document.
- Mediation requests which are defined as 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).
- Due process complaints which are defined as 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 complaints which are defined as due process complaints filed by: (1) the parent of a child with a disability (IDEA) 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.

1.2 OSEP Background

The Office of Special Education Programs (OSEP) is dedicated to improving results for infants, toddlers, children and youth with disabilities ages birth through 21 by providing leadership and financial support to assist states and local districts.

Section 618 of the Individuals with Disabilities Education Act (IDEA) requires that each State submit data about the infants and toddlers, birth through age 2, who

receive early intervention services under Part C of IDEA and children with disabilities, ages 3 through 21, who receive special education and related services under Part B of IDEA. There are 12 data collections authorized under Section 618: under Part B: (1) Child Count; (2) Educational Environments; (3) Personnel; (4) Exiting; (5) Discipline; (6) Assessment; (7) Dispute Resolution; and (8) Maintenance of Effort Reduction and Coordinated Early Intervening Services; and under Part C: (9) Child Count; (10) Settings; (11) Exiting; and (12) Dispute Resolution. These data are collected via an EDFacts system (i.e., EDEN Submission System or the EDFacts Metadata and Process System). Information related to the Section 618 data collected via the EDEN Submission System can be found in the EDFacts Series - EDFacts Special Education/IDEA 2011-12 Study in this Data Inventory. Information related to the Section 618 data collected via the EDFacts Metadata and Process System can be found in this entry. This data documentation deals only with Part B Dispute Resolution data collection and file.

2.0 OSEP Part B Dispute Resolution Data

2.1 State Data

States are required to report the dispute resolution data under Title 1, Part A, Subsection 618 of the *Individuals with Disabilities Education Act* (IDEA).

Part C Dispute Resolution Data comes from one file:

- IDEA Part B Dispute Resolution

States were required to submit SY 13-14 data to EDFacts no later than November 5, 2014. OSEP checks the data for quality issues and provides feedback to states/entities. States or entities are given the opportunity to address the data quality issues prior to the data being published. Finalized data was extracted from the EMAPS system on June 4, 2015.

2.2 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 (IDEA) 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 (IDEA), 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 of 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 of 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 the IDEA Part B Dispute Resolution data, 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 of 34 CFR Part 300, including cases in which some required content is absent from the document.

3.0 Data Quality

Data are reviewed for data quality based on timeliness, completeness, and accuracy. Based on this review, some data may require additional information through the data notes or state survey responses. In rare occasions, some data may need to be suppressed due to data quality issues.

3.1 Data Notes

States or entities have the option to provide additional information to OSEP related to the data quality issues or changes. This information has been compiled and accompanies the data files for data users. Please review this Word document when evaluating any state or entity data.

4.0 File Structure

The following table provides the layout of the assessment file.

Number of Variables: 33

Extraction Date: The date the data was extracted from EMAPS.

Updated: The date of when changes were made to the text, format or template of the file, if no changes have occurred this line will be blank.

Revised: The date of when updates were made to the data; if no changes have occurred this line will be blank.

Created: The date the file was originally posted.

Variable Name	Type
Year	Reference Year
State	State Name
Written, Signed Complaints (WSC) Total (1)	Total number of written, signed complaints filed between July 1, 2013 and June 30, 2014
WSC with Reports Issued Total (1.1)	Total number of written, signed complaints (row 1) complaints were 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, 2014.
WSC Reports with Findings (1.1a)	Number of the reports issued were reports with findings of noncompliance
WSC Reports within Timeline (1.1b)	Number of reports issued were reports within timelines (60 days)
WSC Reports within Extended Timelines (1.1c)	Number of reports issued were reports within extended timelines.
WSC Pending Total (1.2)	Number of written, signed complaints (row 1) were complaints pending as of August 29, 2014 (60 days following the end of the reporting period).
WSC Pending a Due Process Hearing (1.2a)	Number of pending complaints were complaints pending a due process hearing.
WSC Withdrawn or Dismissed(1.3)	Number of written, signed complaints (row 1) were complaints withdrawn or dismissed as of August 29, 2014 (60 days following the end of the reporting period).
Mediation Requests Total (2)	Total number of mediation requests received through all dispute resolution processes between July 1, 2013 and June 30, 2014
Mediations Held Total (2.1)	Number of mediation requests (row 2) resulted in mediations held as of the end of the reporting period (June 30, 2014).
Mediations Held Related to Due Process Complaints(2.1a)	Number of mediations held were mediations held related to due process complaints.
Mediation Agreements Related to Due Process Complaints (2.1ai)	Number of mediations held related to due process complaints resulted in mediation agreements as of the end of the reporting period (June 30, 2014).
Mediations Held Not Related to Due Process Complaints (2.1b)	Number of mediations held were mediations held not related to due process complaints.
Mediation Agreements Not Related to Due Process Complaints (2.1bi)	Number of mediations held not related to due process complaints resulted in mediation agreements as of the end of the reporting period (June 30, 2014).
Mediations Pending (2.2)	Number of mediation requests (row 2) were mediations pending as of the end of the reporting period (June 30, 2014). This includes mediation requests that were pending as of the end of the reporting period.
Mediations Withdrawn or Not Held (2.3)	Number of mediation requests (row 2) were mediations withdrawn or not held as of the end of the reporting period (June 30, 2014)
Due Process Complaints (DPC) Total (3)	Total number of due process complaints filed between July 1, 2013 and June 30, 2014.
DPC Resolution Meetings Total (3.1)	Number of due process complaints (row 3) resulted in a resolution meeting as of the end of the reporting period (June 30, 2014)
DPC Resolution Meetings -	Number of resolution meetings resulted in a written

Written Settlement Agreements (3.1a)	settlement agreement as of the end of the reporting period
DPC Hearings (fully adjudicated) Total (3.2)	Number of 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, 2014
DPC Written Decisions within Timeline (3.2a)	Number of the written decision were decisions within timeline.
DPC Written Decisions within Extended Timelines (3.2b)	Number of written decisions included in row 3.2 were decisions within appropriately extended timelines. (Decision must be within specific time extension granted by the hearing or reviewing officer).
DPC Pending (3.3)	Number of due process complaints were hearings pending as of the end of the reporting period (June 30, 2014).
DPC Withdrawn or Dismissed (3.4)	Number of due process complaints were withdrawn or dismissed (including resolved without a hearing) as of the end of the reporting period (June 30, 2014).
Expedited Due Process Complaints (EDPC) Total (4)	Total number of expedited due process complaints filed between July 1, 2013 and June 30, 2014
EDPC Resulted in a Resolution Meeting Total (4.1)	Number of the expedited due process complaints (row 4) resulted in a resolution meeting as of the end of the reporting period (June 30, 2014).
EDPC Resolution Meetings - Written Settlement Agreements (4.1a)	Number of resolution meetings resulted in a written settlement agreement as of the end of the reporting period.
EDPC Expedited Hearings (fully adjudicated) Total (4.2)	Number 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, 2014.
EDPC Expedited Hearings - Change of Placement Ordered (4.2a)	Number of the written decisions resulted in a change of placement ordered.
EDPC Pending (4.3)	Number of the expedited due process complaints (row 4) were expedited due process complaints pending as of the end of the reporting period (June 30, 2014)
EDPC Withdrawn or Dismissed (4.4)	Number of the expedited due process complaints (row 4) were withdrawn or dismissed as of the end of the reporting period (June 30, 2014)

5.0 Guidance for Using these data-FAQs

What reporting year will this data collection cover?

The IDEA Part B Dispute Resolution covers an entire year of counts. For the 2013-14 data collection, the reporting year is defined as July 1, 2013 through June 30, 2014.

What actions are included?

Only actions initiated during the 2013-14 year are reported. Actions initiated in a previous reporting year that continued into the 2013-14 reporting year are not included in the 2013-14 counts.

Expedited complaints?

Expedited due process complaints are to be included in the counts entered in this Due Process Section and are also entered separately in the Expedited Due Process section.

5.1 Privacy Protections Used

Beginning in August 2012, the US Department of Education established a Disclosure Review Board (DRB) to review proposed data releases by the Department’s principal offices (e.g., OSEP) through a collaborative technical assistance process so that the Department releases as much useful data as possible, while protecting the privacy of individuals and the confidentiality of their data, as required by law.

The DRB worked with OSEP to develop appropriate disclosure avoidance plans for the purposes of the Section 618 data releases that are derived from data protected by The Family Educational Rights and Privacy Act (FERPA) and the Individuals with Disabilities Education Act (IDEA) and to help prevent the unauthorized disclosure of personally identifiable information in OSEP’s public IDEA Section 618 data file releases.

The DRB applied the FERPA standard for de-identification to assesses whether a “reasonable person in the school community who does not have personal knowledge of the relevant circumstances” could identify individual students in tables with small size cells (34 CFR §99.3 and §99.31(b)(1)). The “reasonable person” standard was used to determine whether the data have been sufficiently redacted prior to release such that a “reasonable person” (i.e., a hypothetical, rational, prudent, average individual) in the school community would not be able to identify a student with any reasonable certainty. School officials, including teachers, administrators, coaches, and volunteers, are not considered in making the reasonable person determination since they are presumed to have inside knowledge of the relevant circumstances and of the identity of the students.

The data do not contain any individual-level information, and are aggregated to the state (or entity) level. The DRB determined that the risk of disclosure resulting from these aggregate counts is negligible, since a single complaint may be associated with more

than one student and an individual student may be associated with more than one complaint in a reference period. Consequently, no additional privacy protections are required.

It is the consensus of the Disclosure Review Board that the 2013-2014 IDEA Part B Dispute Resolution Data File is safe for public release under FERPA.

Appendix A

Additional Calculation Options with the Data File

Outcome Count	Calculation
Number of reports without findings of noncompliance	difference between the number entered in row 1.1 and the number entered in 1.1(a)
Number of complaints with reports issued late (not within the 60 day timeline or an extended timeline)	difference between the number in row 1.1 and the sum of the numbers entered in rows 1.1(b) and 1.1(c)
Number of complaints pending for reasons other than pending a due process hearing	difference between the number in row 1.2 and the number in row 1.2(a)
Total number of mediations requested (row 2)	sum of 2.1, 2.2 and 2.3
Number of mediations held related to due process complaints that did not result in a mediation agreement	difference between the number entered in row 2.1(a) and the number entered in row 2.1(a)(i)
Number of mediations held not related to due process complaints that did not result in a mediation agreement	difference between the number entered in row 2.1(b) and the number entered in row 2.1(b)(i)
Total number of mediations held (row 2.1)	sum of 2.1(a) and 2.1(b)
Number of resolution meetings held that did not result in a written settlement agreement as of the end of the reporting period (June 30, 2014)	difference between the number entered in row 3.1 and the number entered in row 3.1(a)
Number of decisions issued beyond the relevant timeline	difference between the number in row 3.2 and the sum of the numbers in rows 3.2(a) and 3.2(b)

Appendix B**Date of the Last State Level Submission**

State	Part B Dispute Resolution
ALABAMA	11/3/2014
ALASKA	10/21/2014
AMERICAN SAMOA	10/30/2014
ARIZONA	10/24/2014
ARKANSAS	11/3/2014
BUREAU OF INDIAN AFFAIRS	5/13/2015
CALIFORNIA	11/5/2014
COLORADO	10/31/2014
CONNECTICUT	11/3/2014
DELAWARE	10/30/2014
DISTRICT OF COLUMBIA	10/30/2014
FEDERATED STATES OF MICRONESIA	11/3/2014
FLORIDA	11/3/2014
GEORGIA	10/27/2014
GUAM	10/21/2014
HAWAII	10/14/2014
IDAHO	11/3/2014
ILLINOIS	5/5/2015
INDIANA	6/3/2015
IOWA	11/3/2014

KANSAS	10/20/2014
KENTUCKY	10/23/2014
LOUISIANA	10/13/2014
MAINE	5/29/2015
MARYLAND	10/23/2014
MASSACHUSETTS	10/31/2014
MICHIGAN	11/5/2014
MINNESOTA	10/17/2014
MISSISSIPPI	11/3/2014
MISSOURI	10/6/2014
MONTANA	10/24/2014
NEBRASKA	10/6/2014
NEVADA	11/5/2014
NEW HAMPSHIRE	11/3/2014
NEW JERSEY	10/28/2014
NEW MEXICO	10/30/2014
NEW YORK	10/29/2014
NORTH CAROLINA	11/5/2014
NORTH DAKOTA	10/10/2014
NORTHERN MARIANAS	10/13/2014
OHIO	5/5/2015
OKLAHOMA	6/3/2015
OREGON	10/29/2014

PENNSYLVANIA	11/3/2014
PUERTO RICO	10/31/2014
REPUBLIC OF PALAU	10/28/2014
REPUBLIC OF THE MARSHALL ISLANDS	10/13/2014
RHODE ISLAND	10/29/2014
SOUTH CAROLINA	11/3/2014
SOUTH DAKOTA	10/29/2014
TENNESSEE	10/28/2014
TEXAS	5/5/2015
UTAH	11/4/2014
VERMONT	10/8/2014
VIRGIN ISLANDS	10/15/2014
VIRGINIA	10/23/2014
WASHINGTON	10/9/2014
WEST VIRGINIA	10/18/2014
WISCONSIN	5/6/2015
WYOMING	11/3/2014

- Data not submitted