

IDEA PART B DISPUTE RESOLUTION FOR SCHOOL YEAR 2015-2016

OSEP Data Documentation

December 2017

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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 Individuals with Disabilities Education Act (IDEA) Part B Dispute Resolution from the Office of Special Education Programs (OSEP). The accompanying data file provides data at the State level on 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

OSEP, within the Office of Special Education and Rehabilitative Services (OSERS), 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 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., *EDFacts* Submission System (ESS) or the *EDFacts* Metadata and Process System (EMAPS)). Information related to the Section 618 data collected via ESS can be found in the *EDFacts* Series - [EDFacts Special Education/IDEA 2011-12 Study in the ED Data Inventory](#). Information related to the IDEA Section 618 data collected via EMAPS can be found in the [IDEA Section 618 entry in the ED Data Inventory](#). This data documentation deals only with the 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 IDEA.

Part B Dispute Resolution Data comes from one file:

- IDEA Part B Dispute Resolution

This information is submitted to OSEP via EMAPS by the IDEA Part B data managers in each of the 60 IDEA Part B reporting entities.

States were required to submit SY 2015-2016 data to EMAPS no later than November 2, 2016. OSEP reviewed the data for quality issues and provided feedback to States/entities. States/entities were given the opportunity to address the data quality issues prior to the data being published. Finalized data were extracted from the EMAPS system after 8pm ET on May 31, 2017. Please see Appendix A for the specific date each State/entity submitted these data.

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.

Hearing pending – A request for a due process hearing that has not yet been scheduled, is scheduled but has not yet been conducted, or has been conducted but is not yet fully adjudicated. (See definition for hearing fully adjudicated).

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

3.1 Data Quality Checks

OSEP reviews and evaluates the timeliness, completeness, and accuracy of the data submitted by States to meet the reporting requirements under Section 618 of IDEA. OSEP also conducts year to year change analysis on data submitted by the States.

3.1.1 Timeliness

OSEP identifies a Section 618 data submission as **timely** if the State has submitted the required data to the appropriate data submission system (i.e., ESS or EMAPS) on or before the original due date. The due dates for the IDEA Section 618 data are:

- The first Wednesday in November for Part B Personnel, Part B Exiting, Part B Discipline, Part B Dispute Resolution, Part C Exiting, and Part C Dispute Resolution data collections.
- The first Wednesday in April for Part B Child Count, Part B Educational Environments, Part C Child Count, and Part C Settings data collections.
- During the third week in December for Part B Assessment data collection. This due date is aligned with the due date for the assessment data reported by States for the Consolidated State Performance Reports (CSPR).
- The first Wednesday in May for the Part B Maintenance of Effort Reduction and Coordinated Early Intervening Services data collection.

3.1.2 Completeness

OSEP identifies a Section 618 data submission as **complete** if the State has submitted data for all applicable fields, file specifications, category sets, subtotals, and grand totals for a specific Section 618 data collection. Additionally, OSEP evaluates if the data submitted by the State match the information in metadata sources such as the EMAPS State Supplemental Survey-IDEA and the EMAPS Assessment Metadata Survey.

3.1.3 Accuracy

OSEP identifies a Section 618 data submission as **accurate** if the State has submitted data that meets all the edit checks for the specific data collection. The edit checks for each Section 618 data collection are identified in the Part B Data Edits and Part C Data Edits documents available to States in Office of Management and Budget (OMB) MAX. The majority of these edit checks are incorporated into the business rules in ESS and EMAPS. Specific business rules or edit checks are outlined in the ED*Facts* Business Rules Guide and the EMAPS user guides available through the [ED*Facts* Initiative](#) website.

3.1.4 Year-to-Year Change Analysis

OSEP also conducts **year-to-year change analysis** in order to determine if there has been a large fluctuation in the counts reported by a State from year to year. If large changes are identified, OSEP requests that the State review the data to ensure that the changes are not the result of a data quality issue and to provide an explanation for the large change in counts if it was not the result of a data quality issue.

OSEP reviews the data notes and explanations States provide in relation to the submission of the Section 618 data to better understand if and how the State is meeting the reporting instructions and requirements for the specific data collection.

3.2 Suppression

OSEP did not identify any data quality concerns and did not suppress any Part B Dispute Resolution data for any States/entities for SY 2015-16.

3.3 Data Notes

States/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 the [Part B Dispute Resolution Data Notes](#) document when using the public file.

4.0 File Structure

The following table provides the layout of the Part B Dispute Resolution file.

Number of Variables: 33

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

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

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, 2015 and June 30, 2016
WSC with Reports Issued Total (1.1)	Total number of written, signed complaints (row 1) 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, 2016
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, 2016 (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, 2016 (60 days following the end of the reporting period)
Mediation Requests Total (2)	Total number of mediation requests received through

Variable Name	Type
	all dispute resolution processes between July 1, 2015 and June 30, 2016
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, 2016)
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, 2016)
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, 2016)
Mediations Pending (2.2)	Number of mediation requests (row 2) were mediations pending as of the end of the reporting period (June 30, 2016). 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, 2016)
Due Process Complaints (DPC) Total (3)	Total number of due process complaints filed between July 1, 2015 and June 30, 2016
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, 2016)
DPC Resolution Meetings - Written Settlement Agreements (3.1a)	Number of resolution meetings resulted in a written 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, 2016
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, 2016)
DPC Withdrawn or Dismissed (3.4)	Number of due process complaints were withdrawn or dismissed (including resolved without a hearing)

Variable Name	Type
	as of the end of the reporting period (June 30, 2016)
Expedited Due Process Complaints (EDPC) Total (4)	Total number of expedited due process complaints filed between July 1, 2015 and June 30, 2016
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, 2016)
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, 2016
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, 2016)
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, 2016)

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 2015-16 data collection, the reporting year is defined as July 1, 2015 through June 30, 2016.

What actions are included?

Only actions initiated during the 2015-16 year are reported. Actions initiated in a previous reporting year that continued into the 2015-16 reporting year are not included in the 2015-16 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.

6.0 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 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 has determined that the risk of disclosure resulting from these aggregate counts is negligible, as 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 2015-2016 IDEA Part B Dispute Resolution Data File is safe for public release under FERPA.

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

State	Part B Dispute Resolution
ALABAMA	10/28/2016
ALASKA	10/27/2016
AMERICAN SAMOA	10/28/2016
ARIZONA	10/20/2016
ARKANSAS	5/4/2017
BUREAU OF INDIAN AFFAIRS	11/2/2016
CALIFORNIA	11/1/2016
COLORADO	10/24/2016
CONNECTICUT	10/27/2016
DELAWARE	10/31/2016
DISTRICT OF COLUMBIA	11/2/2016
FEDERATED STATES OF MICRONESIA	10/20/2016
FLORIDA	10/28/2016
GEORGIA	10/26/2016
GUAM	10/18/2016
HAWAII	10/31/2016
IDAHO	10/6/2016
ILLINOIS	11/1/2016
INDIANA	11/1/2016
IOWA	10/31/2016
KANSAS	10/20/2016
KENTUCKY	10/28/2016
LOUISIANA	10/31/2016
MAINE	10/3/2016
MARYLAND	10/28/2016
MASSACHUSETTS	10/26/2016
MICHIGAN	10/21/2016
MINNESOTA	10/20/2016
MISSISSIPPI	10/5/2016
MISSOURI	10/3/2016
MONTANA	10/27/2016
NEBRASKA	10/31/2016
NEVADA	11/1/2016
NEW HAMPSHIRE	10/27/2016
NEW JERSEY	10/24/2016
NEW MEXICO	11/2/2016
NEW YORK	10/3/2016
NORTH CAROLINA	10/17/2016
NORTH DAKOTA	5/30/2017
NORTHERN MARIANAS	10/6/2016
OHIO	10/27/2016

State	Part B Dispute Resolution
OKLAHOMA	11/2/2016
OREGON	10/31/2016
PENNSYLVANIA	10/24/2016
PUERTO RICO	10/28/2016
REPUBLIC OF PALAU	10/18/2016
REPUBLIC OF THE MARSHALL ISLANDS	11/2/2016
RHODE ISLAND	5/4/2017
SOUTH CAROLINA	10/24/2016
SOUTH DAKOTA	5/4/2017
TENNESSEE	10/5/2016
TEXAS	11/2/2016
UTAH	10/24/2016
VERMONT	10/6/2016
VIRGIN ISLANDS	10/3/2016
VIRGINIA	10/27/2016
WASHINGTON	10/19/2016
WEST VIRGINIA	10/31/2016
WISCONSIN	10/25/2016
WYOMING	5/4/2017

- Data not submitted

Appendix B**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, 2015)	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)