

IDEA Part C 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 C 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 a lead agency by an individual or organization (complainant) that alleges a violation of a requirement of Part C of IDEA of 34 CFR Part 303, 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 C 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 early intervention service provider or lead agency to initiate an impartial due process hearing on matters relating to the identification, evaluation, or placement of an infant or toddler with a disability (IDEA), or to the provision of appropriate early intervention services to the child.

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 C Dispute Resolution data collection and file.

2.0 OSEP Part C 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 C 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 EDFacts system on June 4, 2015.

2.2 Definitions

Complaint pending – A written, signed complaint that is either still under investigation or the lead agency’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 lead agency to the complainant regarding alleged violations of a requirement of Part C 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 lead agency to be resolved by the complainant and the early intervention service provider or lead agency through mediation or other dispute resolution means and no further action by the lead agency was required to resolve the complaint; or a complaint dismissed by the lead agency for any reason, including that the complaint does not include all of the required content.

Decision within extended timeline - For States using the Part C due process hearing procedures, the written decision from a hearing fully adjudicated was provided to the parties in the hearing more than 30 days after the receipt of the due process complaint, but within a specific time extension granted by the hearing officer at the request of either party. For States using the Part B due process hearing procedures, a decision within extended timeline is the written decision (from a hearing fully adjudicated) provided to the parties in the hearing more than 30 or 45 days (whichever hearing timeline the State has adopted under 34 CFR §303.447(a)) 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 – For States using the Part C due process hearing procedures, the written decision from a hearing fully adjudicated was provided to the parties in the due process hearing not later than 30 days after the receipt of the due process complaint. For States using the Part B due process hearing procedures, a decision within timeline is the written decision (from a fully adjudicated hearing) provided to the parties in the hearing not later than 30 days or 45 days (whichever hearing timeline the State has adopted under 34 CFR §303.447(a)) after the expiration of the resolution period.

Due process complaint – A filing by a parent, early intervention service provider, or lead agency to initiate an impartial due process hearing on matters relating to the identification, evaluation, or placement of an infant or toddler with a disability, or to the provision of appropriate early intervention services to such child.

Due process complaints withdrawn or dismissed – A due process complaint that has not resulted in a fully adjudicated due process hearing and is also not under consideration by a hearing officer. 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 early intervention service provider or lead 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.

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 lead agency who has authority to bind the lead 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 agreements.”

Mediation held – A process conducted by a qualified and impartial mediator to resolve a disagreement between parties to a dispute involving any matter under Part C of IDEA 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 parties to a dispute involving any matter under Part C of IDEA 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 parties 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 requests that were withdrawn, 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 C of IDEA for the parties to meet with a qualified and impartial mediator to resolve the dispute(s). Page 6 of 6

Report with findings of noncompliance - The written decision provided by the lead agency to the complainant in response to a written, signed complaint, which finds the early intervention service provider or lead agency to be out of compliance with one or more requirements of Part C of IDEA or 34 CFR Part 303.

Report within extended timeline – The written decision from the lead agency was provided to the complainant 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 lead agency, public agency or early intervention service provider 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 lead agency to the complainant was provided not later than 60 days after receiving the written, signed complaint.

Resolution meeting – For States that have adopted Part B due process hearing procedures, a meeting, convened by the local provider or lead agency, between the parent and the relevant member(s) of the IFSP Team to discuss the parent's due process complaint and the facts that form the basis of the due process complaint so that the lead agency has the opportunity to resolve the dispute that is the basis for the due process complaint.

Resolution period – For States that have adopted Part B due process hearing procedures, 30 days from the 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 local provider or lead agency withdraws from the mediation process.

Written settlement agreement – A legally binding written document, signed by the parent and a representative of the lead agency who has authority to bind the lead 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 4, 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 a lead agency by an individual or organization (complainant) that alleges a violation of a requirement of Part C of IDEA or 34 CFR 303, 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 Part C Dispute Resolution file.

Number of Variables: 27

Extraction Date: The date the data was extracted from EDFact Data Warehouse (EDW).

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.

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 filed under 34 CFR §§303.432 through 303.434 between July 1, 2013 and June 30, 2014.
WSC Reports with Findings (1.1a)	Number of complaints 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 lead agency as of August 29, 2014.
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 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 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

Mediations Held Total (2.1)	Number of mediation requests 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 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 Not Held (2.3)	Number of mediation requests were mediations 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 resulted in a resolution meeting as of the end of the reporting period (June 30, 2014)
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 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 (30-day Part C) (3.2a.1)	Number of the written decision from a hearing fully adjudicated was provided to the parties in the due process hearing not later than 30 days after the receipt of the due process complaint.
DPC Written Decisions within Timeline (30 or 45-day Part B) (3.2a.2)	Number of decision within timeline is the written decision (from a fully adjudicated hearing) provided to the parties in the hearing not later than 30 days or 45 days (whichever hearing timeline the State has adopted under 34 CFR §303.447(a)) after the expiration of the resolution period.
DPC Written Decisions within Extended Timeline (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).

5.0 Guidance for Using these data-FAQs

What reporting year will this data collection cover?

The IDEA Part C Dispute Resolution Survey should cover 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 reporting year. Actions initiated in a previous reporting year that continued into the 2013-14 reporting year is not included in the 2013-14 counts.

Why are data missing for question 3.1 and 3.1a?

States only need to answer questions 3.1 and 3.1a if they have adopted the Part B due process hearing procedures.

What is difference between Part B vs Part C timelines for written complaints?

States must apply one timeline for written decisions for due process complaints; this timeline is a 30-day timeline under 34 CFR §303.437(b) if the State has adopted Part C due process hearing procedures under 34 CFR §303.430(d)(1), OR a 30- or 45-day timeline under 34 CFR §303.447(a) if the State has adopted the Part C due process hearing procedures under 34 CFR §303.430(d)(2).

4.1 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 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 child and an individual child 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 2013-20134IDEA Part C 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, 2013)	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 C Dispute Resolution
ALABAMA	10/23/2014
ALASKA	10/24/2014
AMERICAN SAMOA	10/22/2014
ARIZONA	10/24/2014
ARKANSAS	10/30/2014
CALIFORNIA	10/29/2014
COLORADO	10/23/2014
CONNECTICUT	10/6/2014
DELAWARE	5/28/2015
DISTRICT OF COLUMBIA	6/3/2015
FLORIDA	6/1/2015
GEORGIA	11/3/2014
GUAM	10/29/2014
HAWAII	10/23/2014
IDAHO	11/5/2014
ILLINOIS	5/7/2015
INDIANA	10/23/2014
IOWA	10/29/2014
KANSAS	10/7/2014
KENTUCKY	10/13/2014

LOUISIANA	11/5/2014
MAINE	6/2/2015
MARYLAND	10/23/2014
MASSACHUSETTS	10/28/2014
MICHIGAN	10/30/2014
MINNESOTA	11/4/2014
MISSISSIPPI	11/5/2014
MISSOURI	10/6/2014
MONTANA	5/13/2015
NEBRASKA	10/6/2014
NEVADA	10/21/2014
NEW HAMPSHIRE	5/28/2015
NEW JERSEY	10/14/2014
NEW MEXICO	10/16/2014
NEW YORK	11/4/2014
NORTH CAROLINA	10/24/2014
NORTH DAKOTA	11/4/2014
NORTHERN MARIANAS	10/30/2014
OHIO	10/29/2014
OKLAHOMA	10/28/2014
OREGON	10/23/2014
PENNSYLVANIA	10/23/2014
PUERTO RICO	11/5/2014

RHODE ISLAND	5/28/2015
SOUTH CAROLINA	6/3/2015
SOUTH DAKOTA	10/15/2014
TENNESSEE	10/29/2014
TEXAS	11/3/2014
UTAH	10/23/2014
VERMONT	10/29/2014
VIRGIN ISLANDS	5/6/2015
VIRGINIA	10/27/2014
WASHINGTON	10/9/2014
WEST VIRGINIA	11/5/2014
WISCONSIN	11/3/2014
WYOMING	10/24/2014

- Data not submitted