

INDICATORS B15 & B16: DISPUTE RESOLUTION

Prepared by the Center for Appropriate Dispute Resolution in Special Education (CADRE)

INTRODUCTION

The IDEA requires states receiving grants under Part B to make available four dispute resolution processes, and to report annually to the U.S. Department of Education Office of Special Education Programs (OSEP) on their performance.¹ The processes, which include signed written complaints, mediation, due process complaints, and resolution meetings associated with due process, offer formal means for resolving disagreements and issues arising under the IDEA.

The following are brief analyses of states' Federal Fiscal Year (FFY) 2017 Annual Performance Reports (APRs) for Indicators B15 (Resolution Meetings Resulting in Written Settlement Agreements) and B16 (Mediations Resulting in Written Agreements).²

DATA SOURCES AND METHODOLOGY

Data sources for this report include FFY 2017 APRs and Section 618 data, available through the GRADS360 OSEP portal. These analyses are specific to state performance on Indicators B15 and B16, and do not present a complete picture of dispute resolution activity.

SUMMARY BY INDICATOR

Indicator B15: Resolution Meetings Resulting in Written Settlement Agreements

Indicator B15 is a performance indicator that documents the percentage of resolution meetings resulting in written settlement agreements. States are required to report any activity relating to Indicator B15; however, they are not required to set a performance target if fewer than ten resolution meetings are held in a single year.

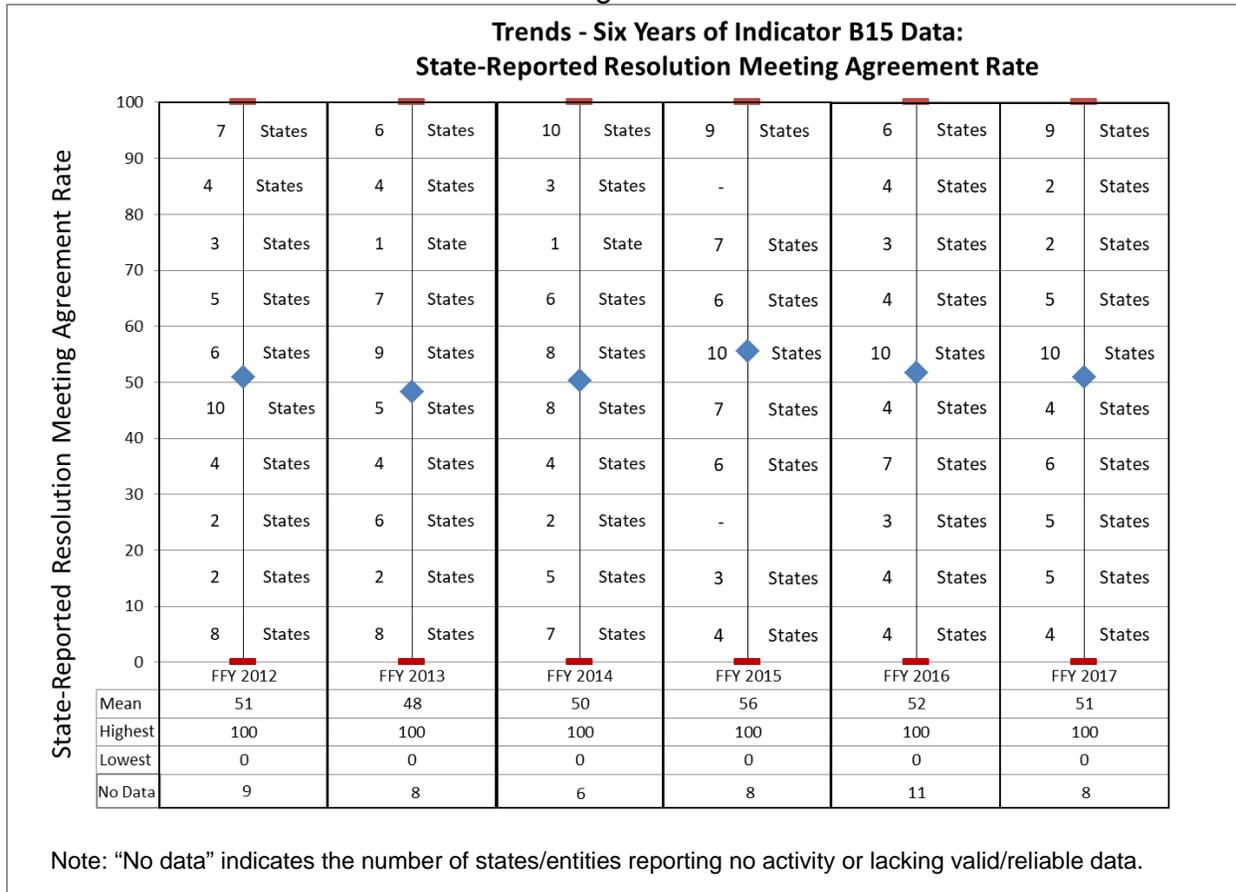
The performance bands in Figure 1 (below) display states' performance on the percentage of resolution sessions resulting in written settlement agreements across the last six years. Fifty-two States reported Indicator B15 activity in 2017-18; eight States/entities reported no activity.

¹ For the purposes of this report, the terms "states" and "states/entities" are used interchangeably to refer to all 60 Part B grant recipients (i.e., the Fifty States, the District of Columbia, the Bureau of Indian Education (BIE), Puerto Rico, the Virgin Islands, American Samoa, Guam, the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau).

² The reporting period (July 1, 2017-June 30, 2018) began during FFY 2017.

The blue diamonds on each performance band in Figure 1 indicate the mean, or average, state-reported rates of agreement for that year.³ The average state-reported rate of performance for Indicator B15 across all states for the last six years is 51.3%. Consistently, over the last three years, the average agreement rate is on a declining trend with FFY17 average agreement rate of 51%.

Figure 1



Of the 52 States reporting resolution meeting activity, 30 had established targets for 2017-18. (A target is required only when a state has ten or more resolution meetings in a single year. Some states not required to set targets did so anyway.) Targets ranged from 9% to 100%, with ten States setting targets below 50%, showing consistency with last year with 11 States setting similarly low targets. Of the 30 States with established targets, 13 met their targets. Only 10 of the 30 States performed below 50% agreement rate.

It is worth noting that Indicator B15 does not give a complete portrayal of the number of Due Process Complaints that are resolved before a fully-adjudicated hearing. This

³ For this "average of state-reported agreement rates", all states contribute equally to the calculation regardless of the level of activity.

indicator only captures the number of Due Process Complaints that are resolved through the resolution session which makes up only a small percentage of DPC's that are resolved without a hearing. Other resolutions may include agreements after the 30-day resolution period, mediation agreements that resolve the DPC, withdrawals, dismissals and other agreements.

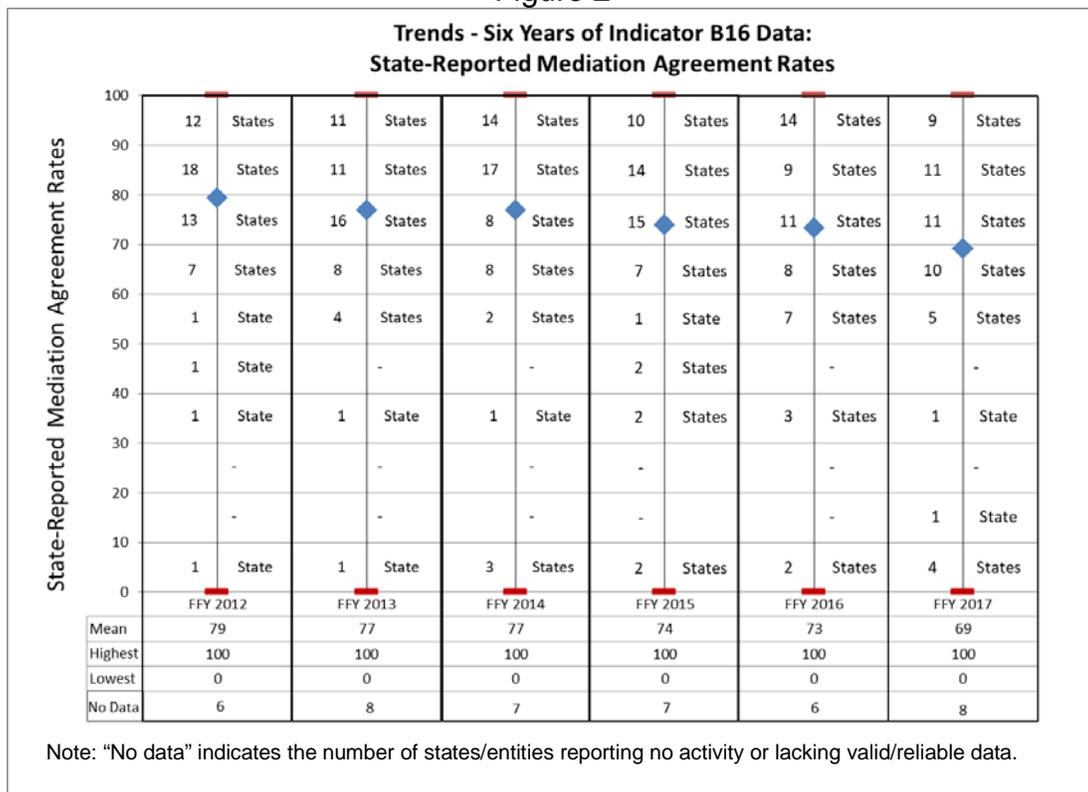
Indicator B16: Mediations Resulting in Written Agreements

Indicator B16 is a performance indicator that documents the percentage of mediations held that result in written agreements. Fifty-two States reported mediation activity in 2017-18. States are required to report all activity relating to Indicator B16, but are not required to set a target if fewer than ten mediations are held in a single year.

A few states account for most mediation activity, with one State reporting over 2,250 mediations held. Of the eight States reporting no mediations held, seven are territories and outlying jurisdictions.

The performance bands in Figure 2 (below) display states' performance on the percentage of mediations resulting in agreements during the last six years. The average state-reported mediation agreement rate for 2017-18 was 69%. Performance on this Indicator has been on a steady decline, with reported rates dropping 10% over the past six years. Four States reported 0% agreement rates, a six year high, with each reporting two or fewer mediations held. In 2017-18, 31 States reported that 70% or more of mediations resulted in agreements. Four of those States reported mediation agreement rates of 100%, half as many as reported in FFY 2016-17.

Figure 2



Thirty-one States set targets for 2017-18 with only two States setting targets below 59%. Twelve States met their target, while 19 States did not meet their target. For 2017-18, only 6 of the 19 States that did not meet their established target reported agreement rates below 60%. Eight States/entities reported no mediation activity.

CONCLUSION

Historical data remains consistent in that state-reported mediation agreement rates outperform those of resolution meeting agreement rates. Despite the drop in average state-reported mediation agreement rate, there remains consistent high performance in mediation agreement rates. This result continues to endorse that the use of a neutral third party helps educators and families involved in a dispute successfully reach agreement.