

INDICATORS C9 & C10: DISPUTE RESOLUTION

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

INTRODUCTION

The IDEA requires states receiving grants under Part C 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 include signed written complaints, mediation, due process complaints, and, in states where Part B due process complaint procedures have been adopted, resolution meetings.

The following is a report and brief summary of States' Federal Fiscal Year (FFY) 2017 Annual Performance Reports (APRs) for Indicators C9 (Resolution Meetings Resulting in Written Settlement Agreements) and C10 (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 C9 and C10, and do not present a complete picture of dispute resolution activity.

SUMMARY BY INDICATOR

Indicator C9: Resolution Meetings Resulting in Written Settlement Agreements

Indicator C9 documents the percentage of resolution meetings that result in written settlement agreements. This indicator applies only to states that have adopted Part B due process complaint procedures. States are required to report any activity relating to performance Indicator C9 but are not required to set or meet a performance target if fewer than ten resolution meetings are held in a single year. Due process complaints continue to be a rarely used dispute resolution option in Part C programs, therefore there are minimal occurrences of resolution meetings. Historically, in only one year (2012-13) has national data reflected more than two resolution meetings held during a single reporting year.

Twenty (20) states reported that they use Part B due process procedures according to their 2017 APR. Nationally, there was one resolution meeting held during 2017-18. The resolution meeting resulted in a written settlement agreement.

¹ For the purposes of this report, the terms "States" is used to refer to all 56 Part C grant recipients (i.e., the fifty United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands).

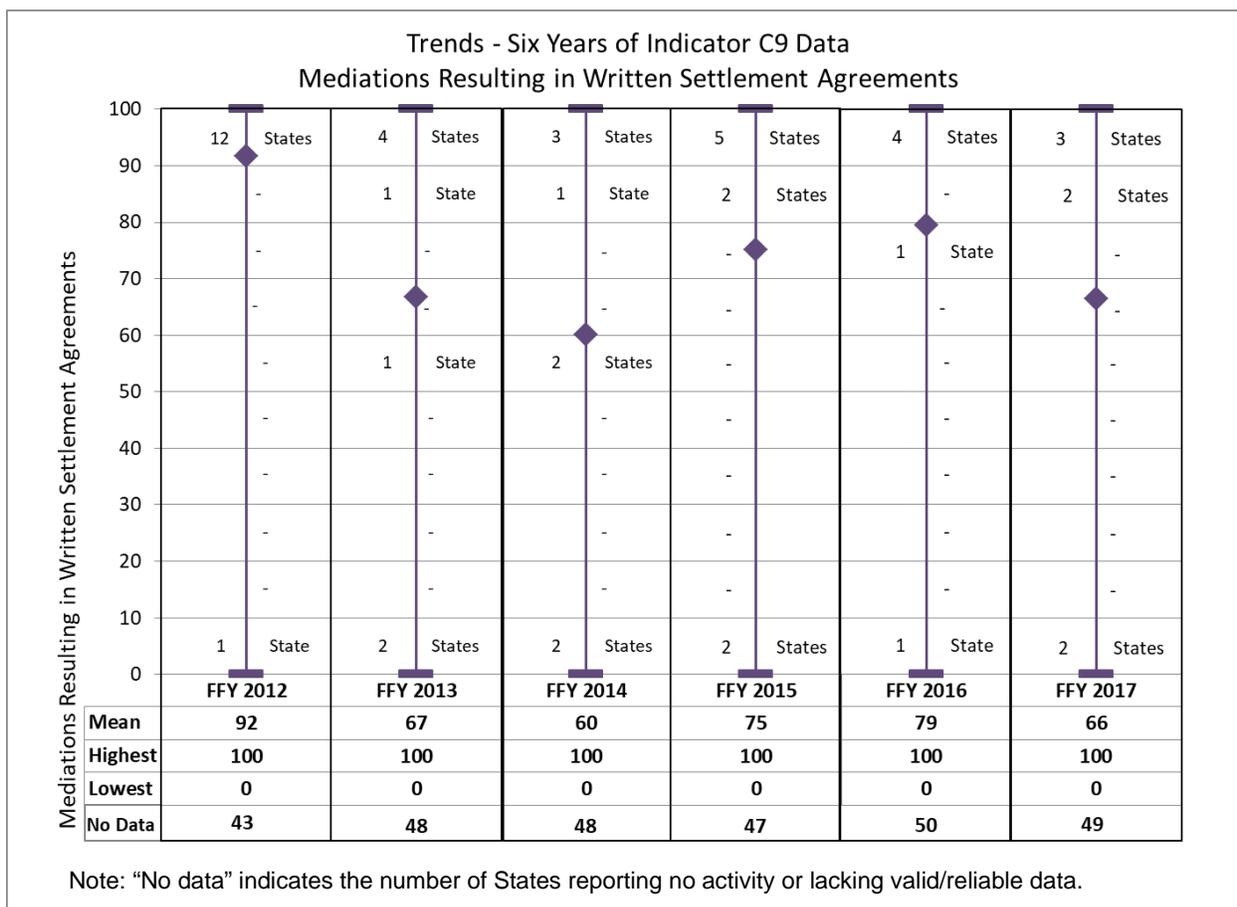
² The reporting period (July 1, 2017-June 30, 2018) began during FFY 2017.

Indicator C10: Mediations Resulting in Written Agreements

Indicator C10 is a performance indicator that documents the percentage of mediations resulting in written mediation agreements. As with Indicator C9, states are required to report any activity relating to Indicator C10, though they are not required to set or meet a performance target if fewer than ten mediations are held in a single year.

The bands in Figure 1 reflect state-reported performance on Indicator C10 over a six year period. The blue diamonds on each performance band in Figure 1 indicate the mean, or average, rate of agreement across states for that year.³

Figure 1



Nationally in 2017-18, seven States held 58 mediation sessions. One State accounted for 47 of the 58 mediation sessions held, or 81% of all mediation sessions held in 2017-18. A total of 48 of the 58 mediation sessions held in 2017-18 resulted in agreements. The average mediation agreement rate for the last six years is 73%, while this year's average agreement rate is 66%. Due to continued low activity on this indicator nationwide, it is difficult to identify national data trends.

³ For this "average of State agreement rates," all States contribute equally to the calculation regardless of the level of activity.

CONCLUSION

Nationally, the use of mediation sessions and resolution meetings among Part C programs continues to be very low. This may be attributed to both the collaborative, family-centered nature of Part C programs as well as the short time a family is engaged with them, since transition to Part B programs occurs before the child's third birthday. It is recommended that Lead Agencies continue to educate parents about their rights, and the full continuum of dispute resolution options available to them should conflict occur.