

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) 2020 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 2020 APRs and Section 618 data, available through the *sites.ed.gov/idea* webpage. 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 (2008-09) has national data reflected more than two resolution meetings held during a single reporting year.

Seventeen States reported that they use Part B due process procedures according to their 2020 APR. Nationally, there were zero resolution meetings held during 2020-21.

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

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, 2020-June 30, 2021) began during FFY 2020.

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 purple diamonds on each performance band in Figure 1 indicate the mean, or average, rate of agreement across states for that year.³

Figure 1
Trends - Six Years Of Indicator C10 Data
Mediations Resulting In Written Agreements

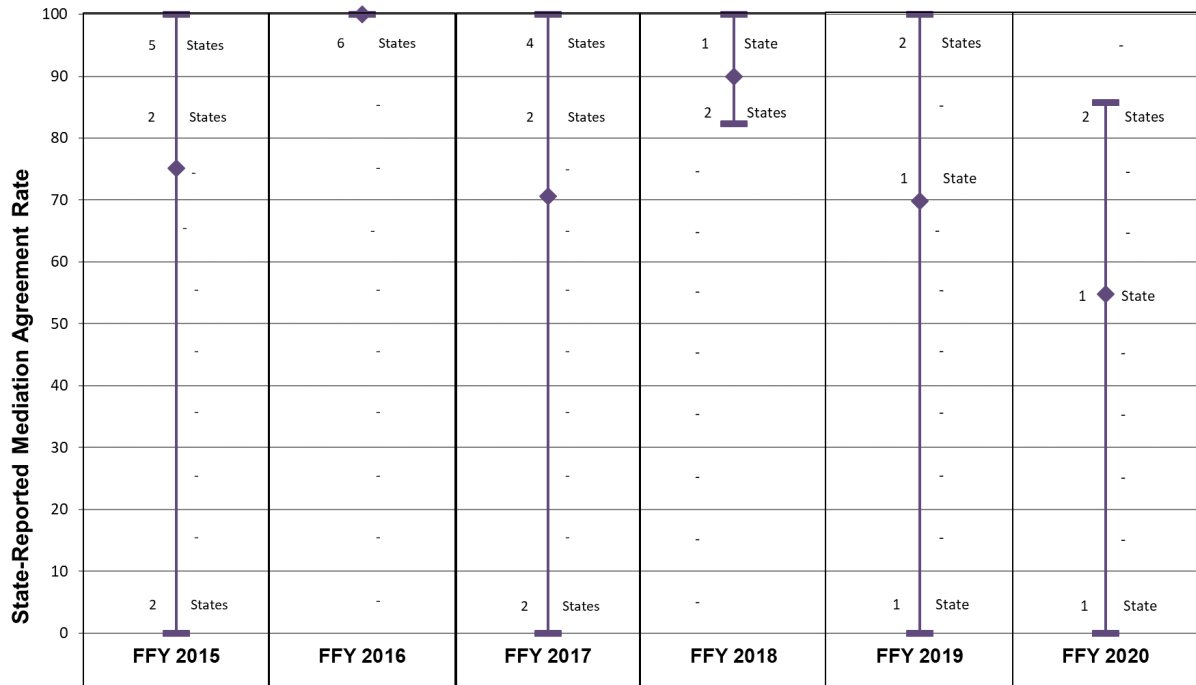


Table 1.1 below provides the summary statistics of the mediation agreement rate data including the mean agreement rate, highest agreement rate, lowest agreement rate and the number of states that reported no activity, for each of the six years.

Table 1.1

Statistic	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
Mean	75.2	100	70.6	90.0	69.9	54.8
Highest	100	100	100	100	100	85.7
Lowest	0	100	0	82.4	0	0
No Data	47	50	48	53	52	52

In FFY 2020, four States held 46 mediation sessions, with 37 resulting in agreements. Zero of the mediations held were related to due process complaints. One State

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

accounted for 36 of the 50 mediations held, or 72% of all mediations in 2020-21. The average mediation agreement rate for the last six years is 74.6%, while this year's average agreement rate is 80.4%. Due to continued low activity on this indicator nationwide, it is difficult to identify national data trends.

Table 1.2 shows the number of states that reported agreement rates within each range. Of the four States reporting mediation activity in FFY 2020, two States fell within 80% to <90% range, one State fell within the 50% to <60% range, and one State reported a 0% agreement rate.

Table 1.2

Ranges of state-reported mediation agreement rate	FFY 2015	FFY 2016	FFY 2017	FFY 2018	FFY 2019	FFY 2020
90% to 100%	5	6	3	1	2	0
80% to <90%	2	0	2	2	0	2
70% to <80%	0	0	0	0	1	0
60% to <70%	0	0	0	0	0	0
50% to <60%	0	0	0	0	0	1
40% to <50%	0	0	0	0	0	0
30% to <40%	0	0	0	0	0	0
20% to <30%	0	0	0	0	0	0
10% to <20%	0	0	0	0	0	0
0% to <10%	2	0	3	0	1	1

CONCLUSION

Nationally, the use of mediation 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 families are engaged with them, since transition to Part B programs occurs on the child's third birthday.