State

Report of Dispute Resolution Under Part C of the Individuals with Disabilities Education Act Complaints, Mediations, Resolution Sessions, and Due Process Hearings

General Instructions

1. Counts should cover an entire year, e.g., 2004-2005.
2. Do NOT include actions initiated in a previous reporting year that continued into the 2004-05 reporting year.
3. Italics in the instructions below denote terms defined in the glossary located at the end of the instructions.
4. No sampling is permitted for this data collection.

Specific Instructions, Section A: Signed, Written Complaints

In row 1, report the total number of signed, *written complaints* initiated between July 1, 2004 and June 30, 2005.

- In row 1.1, report how many of the complaints reported in row 1 were *complaints with reports issued* as of 60 days following the end of the reporting period; that is, report how many of the complaints had a written decision from the lead agency as of August 29. Row 1.1 is a subset of row 1.
    - In row 1.1(a), report how many of the reports issued were *reports with findings* (the lead agency found the EIS program to be in non-compliance). Row 1.1(a) is a subset of row 1.

  Note that the difference between the number reported in row 1.1 and the number reported in 1.1(a) is the number of reports with no findings.

    - In row 1.1(b), report how many of the reports issued were *reports within timeline* (issued not more than 60 days after receiving the complaint). Do NOT include any written decisions provided more than 60 days after receiving the signed, *written complaint*. Written decisions within appropriately extended timelines are reported in row 1.1(c) *reports within extended timeline*. Row 1.1(b) is a subset of row 1.1.
    - In row 1.1(c), report how many of the reports issued were *reports within extended timeline* (the 60 day timeline was appropriately extended due to exceptional circumstances). Row 1.1(c) is a subset of row 1.1.

  Note that the difference between the number in row 1.1 and the sum of the numbers entered in rows 1.1(b) and 1.1(c) is the number of decisions issued late.

- In row 1.2, report how many of the complaints reported in row 1 were *complaints withdrawn or dismissed* as of August 29 (60 days following the end of the reporting period). Row 1.2 is a subset of row 1.
- In row 1.3, report how many of the complaints reported in row 1 were *complaints still pending* as of August 29 (60 days following the end of the reporting period). Row 1.3 is a subset of row 1.
    - In row 1.3(a), report how many of the pending complaints are *complaints pending a due process hearing* (one or more of the allegations in the complaint are the subject of a due process hearing that has not been resolved). Row 1.3(a) is a subset of row 1.3.

  Note that the difference between the number in row 1.3 and the number in row 1.3(a) is the number of complaints pending for other reasons.

  Note that the sum of the numbers entered in rows 1.1, 1.2, and 1.3 should equal the number entered in row 1.

Specific Instructions, Section B: Mediation Requests

In row 2, report the total number of *mediation requests* made between July 1, 2004 and June 30, 2005.

- In row 2.1(a), report how many of the mediation requests reported in row 2 were conducted as of the end of the reporting period (June 30) and were *mediations related to due process* (mediations conducted to resolve a disagreement that was initiated due to a due process hearing request). Row 2.1(a) is a subset of row 2.

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- In row 2.1(a)(i), report how many of the mediations related to due process resulted in a *mediation agreement*. Row 2.1(a)(i) is a subset of row 2.1(a).

Note that the difference between the number entered in row 2.1(a) and the number entered in row 2.1(a)(i) is the number of mediations conducted that were related to a due process hearing request and did not result in a mediation agreement.

- In row 2.1(b), report how many of the mediations requests reported in row 2 were conducted as of the end of the reporting period (June 30) and were *mediations not related to due process*. Row 2.1(b) is a subset of row 2.
  - In row 2.1(b)(i), report how many of the mediations not related to due process resulted in a *mediation agreement*. Row 2.1(a)(i) is a subset of row 2.1(b).

Note that the difference between the number entered in row 2.1(b) and the number entered in row 2.1(b)(i) is the number of mediations conducted that were not the result of a due process hearing request and did not result in a mediation agreement.

Note that the sum of 2.1(a) and 2.1(b) is equal to the total number of mediations conducted.

- In row 2.2, report how many of the mediations requested were *mediations not held* (had not been conducted as of the end of the reporting period). This includes mediation requests that are still pending. Row 2.2 is a subset of row 2.

Specific Instructions, Section C: Hearing requests

In row 3, report the total number of due *hearing requests* received between July 1, 2004 and June 30, 2005.

- In row 3.1, report how many of the hearing requests reported in row 3 resulted in a *resolution session* as of the end of the reporting period (June 30). Row 3.1 is a subset of row 3.
  - In row 3.1(a), report how many resolution sessions resulted in a *settlement agreement*. Row 3.1(a) is a subset of row 3.1.

Note that the difference between the number entered in row 3.1 and the number entered in row 3.1(a) is the number of resolution sessions held that did not result in a settlement agreement.

- In row 3.2, report how many of the hearing requests reported in row 3 were *hearings (fully adjudicated)* as of the end of the reporting period (June 30); that is, the hearing was conducted and a written decision was issued by the hearing officer. Row 3.2 is a subset of row 3.
  - In row 3.2(a), report how many of the written decisions were *decisions within timeline*. Decisions within extended timelines are reported in row 3.2(b) *decisions within extended timelines*. Row 3.2(a) is a subset of row 3.2.

Also in row 3.2(a), select the due process timeline used in your State (i.e., 30 day, Part C 45 day, or Part B 45 day).

  - In row 3.2(b), report how many of the written decisions were *decisions within extended timelines* (an extension to the timeline that was granted by the hearing officer). Row 3.2(b) is a subset of row 3.2.

Note that the difference between the number in row 3.2 and the sum of the numbers entered in rows 3.2(a) and 3.2(b) is the number of decisions issued late.

- In row 3.3, report how many of the hearing requests reported in row 3 were *resolved without a hearing* as of the end of the reporting period (June 30). Row 3.3 is a subset of row 3.

Note that the difference between the number entered in row 3 and the sum of the numbers entered in rows 3.2 and 3.3 is the number of hearings pending at the end of the reporting period.

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Glossary of data elements (See OSEP Data Dictionary for Additional Definitions)

Complaint pending – A *written, signed complaint* that is either still under investigation or the lead agency's report is not complete.

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 hearing that has not been resolved.

Complaint with report issued – A written decision was provided by the lead agency to the complainant and local provider regarding alleged violations of a requirement of Part C of IDEA 2004.

Complaint withdrawn or dismissed – A *written, signed complaint* that was withdrawn by the complainant for any reason or that was dismissed by the lead agency because none of the allegations in the complaint addressed violations of a requirement of Part C of IDEA 2004 (e.g., all the allegations had to do with personnel issues). In these cases, the complaints do not trigger the otherwise required investigative procedures the State must follow and do not result in a report.

Decision within extended timeline – The written decision from a *hearing (fully adjudicated)* was provided to the parties in the hearing more than 30 days after the receipt of a request for a hearing, but within a specific time extension granted by the hearing or reviewing officer. IF a State is using the Part B 45 day timeline, then decisions within extended timelines are decisions provided more than 45 days after the receipt of a request for a hearing, 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 hearing not later than 30 days after the receipt of a request for a hearing. IF a State is using the Part B 45 day timeline, then decisions within timeline are decisions provided not later than 45 days after the receipt of a request for a hearing.

Hearing (fully adjudicated) – A hearing officer conducted a hearing, decided matters of law and issued a written decision to the parent and public agency.

Hearing request – A filing by any party to initiate a due process hearing on matters relating to the identification, evaluation, or early intervention setting of a child with a disability, or to the provision of early intervention services to such child. The filing must meet the conditions specified in Section 615(b)(7) of IDEA 2004.

Mediation agreement – A written agreement between a parent and public agency reached through mediation.

Mediation not held (including pending) – A request for mediation that has not been conducted.

Mediation not related to due process – A session conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was not initiated due to a due process hearing request.

Mediation related to due process – A session conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was initiated due to a due process hearing request.

Mediation request – A request by a party to a dispute involving any matter to meet with a qualified and impartial mediator to resolve the dispute(s).

Report with findings – The written decision, provided by the lead agency to the complainant and local provider in response to a written, signed complaint, which finds the local provider to be in non-compliance with one or more allegations in a written, signed complaint.

Report within extended timeline – The written decision from the lead agency was provided to the complainant and the local provider 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 existed with respect to a particular complaint.

Report within timeline – The written decision from the lead agency to the complainant and the local provider was provided not later than 60 days after receiving the *written, signed complaint*.

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Resolution session – A meeting, convened by the local provider, between the parties to the dispute within 15 days of receiving a *hearing request*. The meeting is convened to discuss the complaint(s) described in the *hearing request* and provide the opportunity to resolve the complaint(s). The meeting must be held unless the parents and the local provider agree in writing to waive such a meeting or agree to mediation.

Resolved without a hearing – A *hearing request* that has not been fully adjudicated and is also not under consideration by a hearing officer. This includes hearing requests resolved through a *mediation agreement* or through a resolution session *settlement agreement*, those settled by some other agreement between the parties (parent and public agency) prior to completion of the hearing, those withdrawn by the parent, those rejected by the hearing officer as without cause, and those not fully adjudicated for other reasons.

Settlement agreement – A legally binding written document, signed by the parent and a representative of the public agency, specifying the resolution of the basis for a due process *hearing request* arrived at in a *resolution session*.

Signed, written complaint – A signed, written letter submitted to a lead agency by an individual or organization (complainant) that alleges a violation of a requirement of Part C of IDEA 2004.