

**ANALYSIS OF 2005-2006  
APRs Indicators 10, 11 and 13  
and  
SPP Indicator 12**

CADRE

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This document summarizes 2005-06 State Annual Performance Reports for the dispute resolution indicators under Part C. These include:

- APR Indicator 10: Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.
- APR Indicator 11: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the applicable timeline.
- SPP Indicator 12: Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements (applicable if Part B due process procedures are adopted).
- APR Indicator 13: Percent of mediations held that resulted in mediation agreements.

**METHODOLOGY:**

CADRE compiled from each state/entity (we will use "state" as a general descriptor in this document) report either verbatim or edited text explaining system structure and comments regarding baseline, target achievement and explanations of progress or slippage, as well as each discernible improvement strategy. Fifty-five reports were reviewed (one state report was not available). Information was compiled only from the APR for the APR indicators (10, 11, 13). Thus, improvement strategies referenced in the APR to the SPP without any other explanation may not be reflected in this summary.

Three individuals were involved in compiling the data. As a check on reliability, about 20% of the state reports were reviewed by two raters and their results compared. The criteria for agreement was (1) whether the content as a whole was accurately reflected and (2) whether the improvement strategies for a given indicator resulted in the same strategy coding. Reliability for content and improvement coding of strategies averaged about 90%. Agreement on coding for SPP revisions reported, baseline and targets was more than 95%. We believe that this process ensured reasonably reliable coding of each indicator within states. Differences in how states report (e.g., paragraph form without clear reference to individual activities or strategies vs. table-based activity lists

and reports) made it difficult to compile comparable summaries across states. Reviewers attempted to ensure that any improvement strategy code (OSEP provided categories) reported or strongly implied was reflected in the summary.

The numbers recorded for this summary are from the text section of the APR. The numbers states report in the text of the APR and SPP are not necessarily the same as the numbers reported in Table 4. At this point, CADRE is still working with states to verify data reported in Table 4.

In general, there is far less dispute resolution activity under Part C than under Part B. The reasons for this may include the size of the program (a tenth as many children served in Part C), less time for children to be in the program (e.g., transfer to Part B programs in most cases at age 3), and different program expectations. Consequently, there is less to report about Part C with regard to the formal dispute resolution options required under IDEA 2004.

**SUMMARY AND ANALYSIS:**

**Baseline Data, Targets and Performance**

Timeliness of complaint investigations and due process hearings

Of 55 states reviewed, 53 established 100% targets for both of these indicators (the other two states did not set targets). Twenty-five (25) states reported Indicator 10 (complaints) performance data from 2005-06. Only 5 states reported 2004-05 baseline data, allowing a change comparison with data from 2005-06. For Indicator 11 (due process), of the 55 states reporting, only 8 reported indicator performance for 2005-06, with only 1 state providing 2004-05 baseline data. Table 1 displays the ranges of performance on baseline (2004-05) and current year (2005-06).

Table 1: Complaints and Hearings Timeliness				
	Indicator 10		Indicator 11	
Performance:	# States Reporting 04-05 Baseline	# States Reporting Actual 05-06	# States Reporting 04-05 Baseline	# States Reporting Actual 05-06
Blanks or N/A	50	30	54	47
≤ 50%	0	2	0	0
>50% & ≤75%	1	2	0	2
>75% & ≤85%	1	0	0	0
>85% & ≤100%	0	0	0	1
100%	3	21	1	5
Total n =	55	55	55	55

The range of performance for 2005-06 for Indicator 10 (complaints timelines) showed 21 states reporting 100% on-time performance, with 30 states reporting no activity. Eight (8) states reported on-time rates for Indicator 11. Two of those states (both reporting 100%) actually held no hearings. Thus, forty-nine states reported no hearing requests. Of the 6 states that held fully adjudicated hearings, their on-time performance ranged from 50% to 100%.

### Resolution Settlement Agreement Rates - Targets and Performance

A resolution settlement agreement is defined as a written, legally binding agreement that is achieved within the 30 day resolution period. This dispute resolution option is available only in those states adopting Part B hearing procedures. Thirty six (36) of the 55 states indicated that they have not adopted Part B hearing requirements, so this indicator is not applicable to them. The opportunity to practice the “resolution meeting” process, then, was very limited in Part C. Of the 19 states that may have adopted Part B hearing requirements (and could hold resolution meetings), only 3 reported holding a hearing in 2005-06.

Table 2 summarizes data reported on Indicator 12 actual performance (baseline for 2005-06) and targets through 2010-2011 for Indicator 12. Three states established targets for resolution meetings resulting in agreements, even though no state reached the threshold of ten resolution sessions that would trigger the establishment of targets.

	# States Reporting 05-06	# States Reporting 06-07	# States Reporting 07-08	# States Reporting 08-09	# States Reporting 09-10	# States Reporting 10-11
Performance:	Baseline	Target	Target	Target	Target	Target
Blanks or N/A	54	52	52	52	52	52
≤ 50%	0	1	1	1	1	1
>50% & ≤75%	0	0	0	0	0	0
>75% & ≤85%	0	1	1	1	1	1
>85% & ≤100%	1	1	1	1	1	1
100%	0	0	0	0	0	0
Total n =	55	55	55	55	55	55

The most common reason for *not establishing targets* was that the state had experienced fewer than 10 resolution meetings and was not required to set a target. Some states also indicated that they were *not reporting on Indicator 12 performance* because they had fewer than 10 events.

### Mediation Agreements - Target and Performance

Table 3 displays how states reported on baseline (2004-05), 2005-06 target and actual performance measures for Indicator 13 (mediation agreement rate). At least 34 states

reported no mediation requests. Four states reported a mediation agreement rate for 2005-06, but the states in aggregate held relatively few mediations. Seventeen (17) states established target rates for 2005-06, but only four states reported activity in the text of the APR – all these were larger states.

Table 3: Indicator 13 Performance Reporting			
Performance:	04-05 Baseline	05-06 Target	Actual 05-06 Data
Blanks or N/A	54	38	51
≤ 50%	0	1	0
>50% & ≤75%	0	1	0
>75% & ≤85%	0	2	1
>85% & ≤100%	1	3	0
100%	0	10	3
Total n =	55	55	55

### **Involvement Of OSEP Funded TA Agencies:**

#### CADRE and Other TA Project Involvement Reported by States:

CADRE identified five states that named TA centers in their APRs. One state named CADRE, one state named SERRC, and 2 states each named NCSEAM and NECTAC. All five states noted assistance from TA agencies with Indicator 11 (hearing timelines).

#### State Participation in CADRE Activities as Registered by CADRE:

CADRE cataloged participation by states in the various types of CADRE provided TA. CADRE operates ListServes on which most states have representatives. There are ListServes addressing mediation/dispute resolution in general, state written complaints, and due process hearings. CADRE's widest ranging delivery vehicles are information oriented. All states have at least one representative on the "dispute resolution coordinators/mediation" ListServ. The CADRE web-site averages over 1,300 unique visitors per day from all over the country. In addition, CADRE has provided SPP/APR data summaries and other CADRE publications to every state. The assignment of a state as receiving other types of CADRE TA was based on symposia registration records, contact form/information requests tracking, and records of direct consultation with the state over the course of the current CADRE funding period (since October 1, 2003). Symposia participation (type B TA) is based on participation of individuals from a state agency or contracted program in three CADRE Symposia (2004, 2005, and 2006).

Table 4 summarizes the number of states by indicator for which we have records that they have been a TA recipient. The most common participation of Part C personnel in CADRE activities has been through the CADRE Part C Dispute Resolution Coordinators

ListServ and attendance at the CADRE Symposia. In some cases, Part C involvement indicates participation by state personnel responsible for both Part B and Part C dispute resolution. Disputes are low frequency events in Part C and appear to be even less frequent in 2005-06 than in prior years.

Table 4: CADRE Records of State Part C Participation in TA

	Indicator 10	Indicator 11	Indicator 12	Indicator 13
A. <u>Information</u> – via mail, telephone, listserv, communities of practice	4	2	1	44
B. <u>Conference</u> – the State attended a CADRE conference	11	12	11	12
C. <u>Regional or State Group Assistance</u> – small group assistance to the State	1	1	1	4
D. <u>Consultation</u> – on-going consultation on-site in the State	-	-	-	1

### Improvement and Maintenance Practices Reported

States approached the reporting of improvement achievements and future activities very differently. Most Part C APRs/SPPs were very brief compared to Part B reports. In the absence of formal dispute related activity, we looked carefully for indications of informal dispute resolution, activities that stress parent rights, etc. These were inconsistently mentioned, but were present in many states. These summaries are based on trying to bring these differing styles, content focus, and levels of activity into a common summary format.

### Reports of Upstream and Early Resolution Activities

From its initial funding, CADRE has stressed the importance of agreement reaching and collaborative problem solving by parents and service agencies. The “CADRE Continuum” (<http://www.directionservice.org/cadre/continuum>) represents the range of dispute resolution activity we observe across states, from formal, required processes, to informal, collaboratively oriented activities. For this analysis, CADRE distinguished between “early resolution” activities (those that are conditioned upon a formal dispute filing – a written complaint, or a due process complaint) and “upstream” activities (aimed at providing parents and service providers improved capability to resolve differences without resorting to formal processes). In this APR/SPP summary, CADRE identified eight states that reported some form of these activities, evenly split between upstream and early resolution activities. Where present, these are included in summary of improvement activities detailed below.

## Frequency of Improvement Strategy Types Reported by States

States that listed improvement strategies averaged about 4 improvement strategy statements per indicator 10, with fewer strategies per state for other indicators. Table 5 displays the number of states that CADRE coded as having reported a type of improvement strategy under a given indicator.

Improvement Strategies Reported	Ind. 10	Ind. 11	Ind. 12	Ind. 13
A. Improve data collection and reporting	12	6	5	6
B. Improve systems administration and monitoring	28	17	5	8
C. Provide training/professional development	25	20	4	14
D. Provide technical assistance	4	7	1	3
E. Clarify/examine/develop policies & procedures	16	15	2	8
F. Program development	1	1	0	2
G. Collaboration/coordination	7	5	0	3
H. Evaluation	5	4	0	4
I. Public awareness	22	20	4	14
J. Increase/adjust FTE	4	7	3	5
Grand total (# states reporting at least one strategy for the indicator)	42	33	25	27

Improving systems administration and monitoring, training, clarification/development of policies, and public awareness were predominant themes of state improvement efforts.

Public awareness was particularly emphasized, with many states reporting active efforts to inform families of and ensure understanding of their procedural safeguard rights.

### Examples of Specific Activities by Improvement Strategy Code:

After compiling and coding all identified improvement strategies, CADRE reviewed the compilation for examples of specific activities typical of each improvement strategy type.

CADRE used the “improvement strategy types” provided by OSEP for a framework, then identified where several states had reported an approach that represented activity under that strategy. Due to limited activity reported some of the improvement strategies identified were only present in one state. Also, some states operate combined B/C dispute resolution systems and may have referenced common improvement strategies across the two programs.

A. Improve data collection and reporting: Improve the accuracy of data collection and school district/service agency accountability via technical assistance, public reporting/dissemination, or collaboration across other data reporting systems. Developing or connecting data systems. Example activities:

- Timelines and process tracking specific to an indicator
- Integrated timelines, processes and outcomes tracking across DR options
- Issues analyses within or across dispute resolution options (e.g., common issue taxonomy)
- Tracking of informal issues (prior to initiation of formal mechanisms) and resolution or disposition of these issues
- Combining/aligning data systems with monitoring (e.g., to ensure Corrective Action Plan implementation)

B. Improve systems administration and monitoring: Refine/revise monitoring systems, including continuous improvement and focused monitoring. Example activities:

- Use tracking system to monitor corrective actions, hearing decisions, or (rarely) mediation/resolution agreement implementation
- Use tracking system to ensure the provision of prior written notice and parent/family rights
- Conduct overall system reviews (typically quarterly or annually)
- Design resolution process systems (e.g., responsibility for oversight; data elements to be collected [timeliness, issues, agreements, process]; reporting [e.g., to local providers, parents]).
- Use tracking system to provide timeline/process reminders to dispute resolution practitioners
- Employ an informal system of resolution for family questions and concerns
- Workgroup to ensure culturally and linguistically appropriate supports and services
- Assigned/dedicated staff person to monitor/track/coordinate dispute resolution activity

- C. Provide training/professional development to State and local provider agency staff, families and/or other stakeholders. Example activities:
- Provide training on IDEA law and regulations (emphasizing understanding parental rights) to internal staff, DR practitioners, parents, and service providers
  - Provide training/awareness on procedural safeguards/DR options to parents and service providers
  - Provide training regarding completion of forms and understanding of procedures
- D. Provide technical assistance to local service provider agencies, families and/or other stakeholders on effective practices and model programs. Example activities:
- Provide TA to family members and parent organizations regarding DR options and collaborative problem solving
  - Make information on new legal requirements and processes easily accessible through web sites, hot-lines, etc.
- E. Clarify, examine, and or develop policies or procedures related to the indicator. Example activities:
- Clarify tracking procedures regarding timeliness of written complaints
  - Improved procedures for informing parents of their rights
  - Revision of procedure manuals, guidelines, handbooks, forms and materials
- F. Program development: Develop/fund new regional/statewide initiatives. Example activities:
- Implement IFSP Facilitation services and conciliation conferences (e.g., on request of a service provider or a parent, or contingent upon a complaint filing)
  - Focused monitoring, with district self-assessment procedures
- G. Collaborate/coordinate with families/agencies/ initiatives. Example activities:
- Collaborate with parent groups and stakeholders to provide information, technical assistance, and otherwise promote ADR processes and resources (focus on parent rights)
  - Coordinate with PTIs and other parent groups/organizations
- H. Conduct internal/external evaluation of improvement processes and outcomes. Example activities:



- Collect participant feedback and evaluation information (e.g., parent surveys)
- Engage stakeholder/advisory/work groups in evaluation and review of dispute resolution options and improvement planning
- Conduct broader system evaluation, integrating information from all dispute resolution options in review and improvement planning

I. Develop/implement public awareness materials/campaign. Example activities:

- Provision of prior written notice and parent/family rights (e.g., Welcome Packet or Family Rights Handbook provided in various formats)
- Translate, print and disseminate materials in alternate and “family friendly” languages
- Promote awareness through multi-media campaigns (e.g., radio, television, webinars, videos, internet, newspapers, other printed materials)

J. Increase/Adjust FTE: Add or re-assign FTE at State level. Assist with the recruitment and retention of lead agency and related staff. Example activities:

- Add hearings officers or increase hours contracted to conduct hearings
- Increase the number of mediators available
- Realign administrative staff to support complaints investigations, track hearings timelines, etc.
- Added staff to investigate complaints