

SPP Summary – Indicator C-10
Timeliness in the Completion of Complaint Investigations
CADRE, Richard Zeller and Aimee Taylor

This document summarizes indicator C-10 for Part C SPPs. The indicator is one of four potential* dispute resolution indicators for Part C. Indicator C-10 is:

“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.”

Data necessary to calculate this indicator were included in Attachment 1 of the SPP for school year 2004-05 and have been included in the two previous Annual Performance Reports (2002-03 and 2003-04 school years). Measurement of this indicator is defined, with the label and cell designations from Attachment 1, as:

$$\text{Percent} = [(1.1(b) + 1.1(c)) \text{ divided by } (1.1)] \text{ times } 100$$

where,

$$\begin{aligned} (1.1)(b) &= \text{“Reports within timelines”} \\ (1.1)(c) &= \text{“Reports within extended timelines”} \\ (1.1) &= \text{“Complaints with reports issued”} \end{aligned}$$

METHODOLOGY:

CADRE compiled and examined the Indicator 10 sections from the SPPs of all 50 states, DC, and 5 outlying areas (AS, CNMI, GU, PR and VI). For purposes of this report, these 56 entities are referred to in aggregate as “states.” Each state report was summarized to capture the following information:

- Baseline reported for Indicator C-10
- Number of years of data for Indicator C-10 reported in the SPP text
- Improvement/maintenance practices described (in many cases it is not possible to distinguish improvement from maintenance)
- Assertions of effectiveness regarding the state’s complaints system
- Description of the “measurable and rigorous target” for Indicator C-10

Two or more reviewers read and compiled data for each of the above elements for each state. Reviewers entered the resulting summaries into an Excel data base, with a focus

* Note: Indicator C-12 (Resolution Sessions) applies only in those states where the Part C program has adopted the State’s Part B Due Process Hearing procedures.

on capturing in brief the language each state used. The authors of this document then coded these summaries in order to categorize improvement or maintenance strategies, assertions of effectiveness, and measurable and rigorous target descriptions.

SUMMARY AND ANALYSIS:

2004-05 School Year Baseline Reported for Indicator C-10

Thirty (30) states reported having had at least one complaint in the text of their SPP. Twenty (20) states reported five or fewer complaints; 10 reported six or more complaints. One state reported 29 complaints. Of the states reporting any complaint activity, 27 reported a baseline value: 22 states report completing all complaints within required timelines, five states report less than a 100% completion rate, and three states report no complaints investigated. Eight states provided information on the use of extensions for completion; it appears that extensions have not been widely used, with most complaint reports issued within 60 days.

Number of Years of Data Reported in the SPP Text

The data necessary to calculate this performance indicator have been a part of the Annual Performance Report and now the SPP for three years. Dispute resolution activity varies considerably (from none to some) among Part C states, and across years. The vast majority of states, however, did not report baseline data beyond the single year covered by this SPP (2004-05).

Seven (7) states reported two or more years of data for this indicator; four of these states reported three or more years. Two states reported some complaint related data (e.g., number of complaints filed, reports issued) for more than one year, but did not report indicator performance for more than the single baseline year.

Improvement/Maintenance Practices Described

States varied widely in the level of practice descriptions they provided in the SPP. What states reported in the SPP is summarized here, although CADRE is aware of innovative and effective state practices that were not included in the SPPs. This summary is also limited by:

- States differing in their willingness to report non-required activities in the SPP;
- Difficulty to distinguishing improvement from maintenance activities;
- Differing terminology (e.g., states use “train, develop personnel, provide TA/ support, conduct annual conference” to describe similar activities);
- Sketchiness/Variability of reports (e.g., “annual training” v. “30 hours of mediation training & 24 hours IDEA update training”);
- Thirty-one states using a standard format for improvement activities; for these states, improvement activities for Indicators C-10 through C-13 differed mostly in terminology (e.g., “hearing officer training” v. “mediator training”);

- Part C programs providing minimal detail and reporting very few DR events.

Because Improvement strategies for many states followed a common format across dispute resolution indicators, the summary below lists types of improvement strategies and the number of states that included them in their SPPs under *All Indicators* and under *Indicator 10*:

Improvement Strategies	All Indicators	Indicator 10
• Training (Agency Staff, Providers, or Families)	43	34
• Collect Data and Track System Performance	35	25
• Publish/Disseminate Awareness/Rights Booklets	33	23
• Conflict Prevention or Other ADR Approaches	25	20
• Revise Current Rules and Procedures	20	12
• Satisfaction Measures, Parent Surveys	16	11
• Act on Informal Concerns/Issues	13	12
• Staff - Expand/Assign to DR Activities	11	8
• PTI Partnership (Training/Advocacy/ADR Promotion)	11	9

Most of the above activities would seem to be basic components of a state system. The absence of reporting, however, does not necessarily indicate an absence of activity. Many states indicated “training” without further specification. Some states emphasize training in rights and procedural safeguards, while others focus on specific communications skills and dispute resolution approaches. The latter seem critical to CADRE if states hope to avoid the escalation of concerns or questions to formal complaints.

Speculations of Effectiveness Regarding the State’s Complaints System

CADRE identified references to effectiveness about the complaints management systems in 17 states. In most instances, specific supporting data were not provided beyond the number of complaints (few or none). Only a few states provided data in other forms (parent survey results showing parents understand their rights and dispute resolution options). Eight states attributed the low formal complaint activity to their support of a range of dispute prevention and dispute resolution activities (training, parent rights materials and training, staff training, and multiple avenues for quickly resolving informal concerns before they become formal complaints). Several states indicated that they collect data on these informal issues and analyze them for patterns.

Description of the “Measurable and Rigorous Target” for Indicator C-10

For most states, the target statement took this form: “100% resolved within 60-day timeline, or a timeline extended for exceptional circumstances with respect to a particular complaint.” Almost no states provided any other target, measurable or otherwise. A few states set targets for tracking and ensuring corrective actions that are required in complaint reports (often, 100% within one year). Similarly, some states

indicated that they strive to resolve all or most formal complaints by supporting early resolution activities, but these were not stated in measurable terms.

CADRE RECOMMENDATIONS FOR COMPLAINTS SYSTEMS

- Improve documentation of the connection between assertions about effective practices and supporting data;
- Establish integrated dispute resolution data systems for formal complaints, due process, resolution session, mediations, other dispute resolution approaches, and for tracking of expressed parent concerns;
- Establish and use performance indicators for all dispute resolution system management beyond the four required performance indicators;
- Support early and informal dispute resolution options (e.g., 48 hour response to expressed parent concerns, facilitated IFSPs for complex issues);
- Provide training for staff and parents focused on dispute resolution options and on effective collaborative working relationships;
- Develop parent/provider surveys to measure awareness of DR options, understanding of rights, and satisfaction with EI services and dispute resolution processes.