
Monitoring for Results and Compliance – Dispute Resolution

State Special Education Advisory Committee Meeting
December 6, 2013



Perspective

Dispute Resolution Activity as a Percentage of Child Count

2012-2013 December 1 Child Count – 162,617

	Complaints	Mediation	Due Process
Number	153	122	47
Percentage	.09%	.075%	.03%



Due Process

Year	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Total Requests	46	45	65	79	81

	Reporting Periods		
	2012-2013	2011-2012	2010-2011
Number of Decisions	6	3	9
Initiating Party:			
Parent	6	3	9
LEA	0	0	0
Prevailing Party:			
Parent	0	0	0
LEA	5	3	7
Split	1	0	2



Due Process Issues – 2010 - 2013

Hearings held on 56 issues

- FAPE Generally – 12
- IEP – 26
- Eligibility – 3
- Discipline -2
- Procedural Safeguards – 13



Mediation

	Reporting Periods				
	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Number of requests	122	125	123	119	105
• resolved	83	81	68	56	74
• partially resolved	0	0	0	0	0
• unresolved	18	26	19	20	14
• withdrawn	19	18	24	22	16
• pending*	2	0	12	21	1



Mediation Issues

	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Total number of issues	212	189	190	225	208
IEP	148	123	139	152	144
✓ sufficiency of services	63	61	46	55	58
✓ type of services	28	32	39	33	35
✓ placement	49	21	48	54	44
✓ goals	8	9	6	10	7
Staffing	20	21	9	18	17
Evaluation & Disability	22	17	13	18	15
Financial responsibility*	8	13	11	16	18
Discipline	7	9	11	11	8
Transportation	7	6	7	10	5

Complaints

Fiscal Year	2012-2013	2011-2012	2010-2011	2009-2010	2008-2009
Total Number of Complaints	153 (115)*	136	160	132	121



Complaints – Cont.

	Reporting Periods		
	2012-2013	2011-2012	2010-2011
Number of decisions issued	61*	101**	88***
Number of issues	206	404	356
Number of issues in compliance	142	293	227
Number of issues in noncompliance	64	111	129



Complaint Issues

Issue Category	Reporting Period 2012-2013			Reporting Period 2011-2012			Reporting Period 2010-2011		
	Total Issues	C	NC	Total Issues	C	NC	Total Issues	C	NC
IEP	72	47	25	221	159	62	168	103	65
IEP Meetings	25	21	4	35	27	8	31	22	9
FAPE	6	3	3	22	18	4	30	21	9
Procedural Safeguards	20	14	6	25	18	7	45	32	13
LRE	4	3	1	3	3	0	5	2	3
Discipline	19	12	7	15	8	7	17	13	4
Eligibility/Evaluation/ Reevaluation	23	17	6	33	25	8	26	14	12
Child Find	8	6	2	3	3	0	1	1	0
Placement	4	4	0	13	9	4	2	1	1
Records	21	12	9	19	13	6	14	9	5
Program Standards	1	1	0	9	7	2	7	6	1
Other	3	2	1	6	3	3	10	3	7
TOTALS	206	142	64	404	293	111	356	227	129

Complaints vs. Mediation by Region

Mediation

Regions	2012-2013	2011-2012
Region I	17	24
Region II	24	26
Region III	11	12
Region IV	51	44
Region V	10	7
Region VI	2	9
Region VII	6	3
Region VIII	1	0

Complaints

Regions	2012-2013	2011-2012
Region I	16	18
Region II	60	59
Region III	19	19
Region IV	38	26
Region V	8	4
Region VI	5	4
Region VII	4	3
Region VIII	3	4



Where Does This Fit into SESS' Mission?

➤ Special Education Directors have reported that it takes 40 hours + of staff time to respond to a simple state complaint.

➤ Fed. Dist. Ct.(2009): Award of costs to parents

- Damages: \$ 33,187.90
- Attorney's fees: \$ 307,150.20
- Litigation expenses: \$ 8,369.69
- TOTAL \$ 348,707.79



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