

# Part B Dispute Resolution Data Notes

## 2018-19 Reporting Year

This document provides information or data notes on the ways in which states collected and reported data differently from the Office of Special Education Programs (OSEP) data formats and instructions. In addition, the data notes provide explanations of substantial changes or other changes that data users may find notable or of interest in the data from the previous year.

### Alabama

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- The State provided the following response(s) to large Year to Year change(s):
  - The year to year change in the counts and percentage for mediations can be attributed to the increase in the requests for facilitated IEPs. Another possible factor is that some school systems have reported they are contracting with private mediators, which may contribute to the decrease in mediation requests.

### Colorado

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- The State provided the following response(s) to large Year to Year change(s):
  - The Colorado Department of Education attributes increased state-level complaint activity during SY 2018-19, in part, to the following trends:
    - Endrew F. v. Douglas County Sch. Dist. RE-1, the landmark 2017 U.S. Supreme Court decision that raised the standard school districts must meet in educating students with disabilities, originated in Colorado and involved a local attorney.
    - Colorado has experienced an expansion of special education legal advocacy, primarily in the number of private attorneys representing parents and children with disabilities.
    - Colorado's regional culture is generally averse to requesting that the state resolve disputes, but the arrival of more than 600,000 new residents from across the country between 2010 and 2018 has resulted in a population more comfortable with litigation.
    - Complainants, both with and without the available assistance from local advocacy organizations, are increasingly more knowledgeable regarding dispute resolution and the rights and protections available to parents and children with disabilities.
    - Colorado, consistent with national trends, is experiencing a sharp increase in the number of individuals and families seeking treatment for mental health needs.

### Florida

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- The State provided the following response(s) to large Year to Year change(s):
  - Florida's student population including students with disabilities has increased, it is to be expected that dispute resolution actions would also increase.

### Illinois

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- The State provided the following response(s) to large Year to Year change(s):
  - In SY 2018-19 the SEA saw a larger number of complaints in comparison to previous years, but we could not investigate due to lack of jurisdiction (non-SpEd issue or complaint not timely). When comparing the Special-Ed related SY 2018-19 data to SY 2017-18 data, the percentage of

Special Ed related complaints the SEA processed was almost identical both years (64.3% in SY 2018-19 compared to 64.4% in SY 2017-18).

## **Maine**

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- The State provided the following response(s) to large Year to Year change(s):
  - The November 2019 Year to Year Report indicated an increase in both the number of written, signed complaints and the number of mediation requests received. The reasons for the increases are unclear but they do appear to be within the historical range of year-to-year variability.

## **Michigan**

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- The State provided the following response(s) to large Year to Year change(s):
  - Michigan has been advertising mediation. The use of mediation has increased in Michigan as a result of Michigan's efforts to promote alternates to dispute resolution.

## **Mississippi**

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- The State provided the following response(s) to large Year to Year change(s):
  - The MDE OSE's Bureau of Parent Engagement continues to provide training and technical assistance to families, as well as encourage all parties to foster an open relationship.

## **Missouri**

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- The State provided the following response(s) to large Year to Year change(s):
  - In SY 2018-19, multiple child complaints were filed by a few families accounting for an increase of child complaints since none of these families filed child complaints in the prior year.

## **Nevada**

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- The State provided the following response(s) to large Year to Year change(s):
  - The year-to-year increase in the number of due process complaints between SY 2017-18 and SY 2018-19 is the result of more parents exercising their IDEA right to resolve disputes through this mechanism.
  - The increase between SY 2017-18 and SY 2018-19 follows a slight decrease in the number during SY 2016-17. Fluctuations do occur from year to year, and as documented in Nevada's Annual Performance Report, Nevada consistently reports that 98-99% of due process complaints are resolved without a hearing.

## **New Mexico**

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- The State provided the following response(s) to large Year to Year change(s):
  - The reason for the large decrease in signed complaints between SY 2017-18 and SY 2018-19 data was because the number of due process and state level complaint totals were combined for SY 2017-18 reporting of signed complaints, as the state was advised to do so by technical assistance providers.
  - The decrease in the number of written signed complaints filed appears to be associated with the New Mexico Public Education Department, Office of General Council re-instituting a process for vetting complaints to ensure the complaints are for issues related to the Individuals with

Disabilities Education Act, Part B rather than other issues such as 504 and civil rights. Complaints that were not related to IDEA, Part B were referred to the appropriate agency which oversees the particular issue(s). The Special Education Bureau is also working with parents through a Bureau parent liaison to refer parents to the least formal dispute resolution options. This helps to preserve relationships and keep open communication lines between the school and the parents.

## **New York**

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- The State provided the following response(s) to large Year to Year change(s):
  - The number of due process complaints filed in New York State (NYS) has increased in each of the past few years and is an accelerating problem. The majority of due process complaints filed in the State involve the New York City Department of Education (NYCDOE). The large increase in due process complaints filed between SY 2017-18 and SY 2018-19 is due to an increase in complaints filed involving the NYCDOE.

## **North Carolina**

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- The State provided the following response(s) to large Year to Year change(s):
  - The increase in state complaints and due process petitions filed is attributed to the increase in public charter schools, parent advocates assisting in the filing of state complaints, and the number of attorneys engaged by parents to assist in dispute resolution.
  - The decrease in mediation requests received is attributed to the preference of engaging in due process hearings rather than utilizing informal dispute resolution mechanisms to resolve issues. In part, this appears to be a strategy of preference for parents who have secured legal representation.

## **Oregon**

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- The State provided the following response(s) to large Year to Year change(s):
  - In SY 2017-18, one parent-complainant filed multiple separate due process complaints against the same school district regarding the same child and requested separate due process hearings for each. In another matter, one attorney representing multiple different families filed several separate due process complaints on the same day against the same school district, arising out of similar events. These two reasons in particular lead to a significant increase in the number due process hearings filed in SY 2017-18, the prior year.

## **Republic of Palau**

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- Palau did not have any written signed complaint, mediation request or due process complaints in SY 2018-19.

## **Rhode Island**

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- Resolution sessions entered include resolution session agreements before and after Hearing Officer is assigned.

## **Vermont**

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- The State provided the following response(s) to large Year to Year change(s):

- Vermont is a small state and this level of variation in disputes is normal.

## **Virginia**

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- The State provided the following response(s) to large Year to Year change(s):

- Total number of due process hearings was down due to a smaller number of complaints being filed by the same individual. The majority of the increases in mediation came from three school divisions, each with local circumstances that made mediation a more preferred option.

## **Washington**

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- The State provided the following response(s) to large Year to Year change(s):

- Although there have been an increased number of due process hearings filed, the number that actually went to hearing remained very low.