

Part B Dispute Resolution Data Data Collection Challenges and Solutions

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OSEP Overlapping Part B and Part C
IDEA Data Meetings

Presented June 9, 2008

Session Agenda

- Getting and Verifying the Data
- Using Data to Examine System Performance
- Improving Compliance and Performance
- Discussion, Questions & Answers

Getting and Verifying the Data

Common Definition Errors

- Complaint reports “with findings of fact” are not necessarily “(1.1)(a) reports with findings”; that item includes only “findings of noncompliance”
- “Not investigated/withdrawn” complaints are not counted as “reports within timelines”
- “Resolution settlement agreements” are included in “resolved without a hearing”

Getting and Verifying the Data Definition Issues

- “Mediations related (or not) to due process” are mediations **held** (not mediations requested)
- Unlike some other collections, “rows and columns” don’t necessarily add up
- “Pending” is different for each Table 7 Section:
 - A. Complaints: “pending” and other status elements for all complaints filed are reported as of 8/29
 - B. Mediations: “pending” is included within “not held” as of 6/30
 - C. Hearings: “pending” is calculated as of 6/30, not directly reported

Getting and Verifying the Data

Westat Error Checking

- **Mathematically impossible values**
– the CADRE/Westat error checker, if you use it, should ensure that you pass this review
- **Unlikely values** – unusual changes from year to year (e.g., a tripling in pending hearings, precipitous drop in complaints filed)
- The exact rules to be applied by Westat to identify potential errors are in development

Getting and Verifying the Data Resources, Directions, Error Checkers

- SPP/APR Calendar (go to “Fall” resources):
www.rrfcnetwork.org/content/view/458/414/
- OSEP on line guidance documents:
www.ed.gov/policy/special/guid/idea/bapr/index.html
- Westat Documentation, Forms, Fact Sheets:
<https://www.ideadata.org/documents.asp>
- CADRE SPP/APR Resource Pages:
www.directionservice.org/cadre/sppresources.cfm
- Error Checkers & Tutorial :
www.directionservice.org/cadre/datasubmission.cfm

Error Checker Demo

- Data Entry
- Error Checks
- Calculations
- Transfer of Data to Table 7
- Generating Table 7 for APR
- Generating DTS form for Westat submission

Note: this was a “live” demo at the conference. The Tutorial available (see URL on slide 6) will provide a similar experience for users of this PPT.

Using Data to Examine System Performance

- Everything is related to everything else – DR systems are hydraulic
- Indicators are just that – not the whole story – usually critical (e.g., compliance) but insufficient to fully understanding system performance
- “Drill down” to examine data by geography (urban/rural/suburban), LEA, issue, DR process type, by “sub-indicator” (Table 7, other)

Using Data to Examine Performance Drill Down Comparisons

www.directionservice.org/cadre/aprsppb.cfm

CADRE Summaries available on line :

- 3-year State summary reports
- 3-year national summaries of all reported data

Custom reviews at state request:

- Comparisons with states of like characteristics (size, region, % students served, etc.)

Improving Compliance and Performance Organization/Structure Issues

- Is there overall coordination of dispute resolution or separate structures?
- Is the data tracking system integrated across dispute resolution options (e.g., common student identifier, issue taxonomies)?
- How are dispute resolution options publicized?
- Does the state promote mediation and alternate DR options?
- Is there a quality assurance review (e.g., within an OAH system) of final decisions before they are issued?
- Are complaint reports reviewed? Internal-external? How many levels?
- Can complaint reports be appealed or reconsidered? (60-day timeline still applies; see FR, 8/14/06, p. 46607)

Improving Compliance: What Impacts State Written Complaint Timelines

- Early resolution process (e.g., 10 day resolution period, mediation)
- When is the complaint investigator assigned?
- Tracking systems that can monitor multiple “milestones” in the complaints timeline
- Geography – accessibility for on-sites
- Extent of on-site v. distance investigation
- Level of demand placed on LEA staff in responding
- Required levels of review before issuing report
- Priorities for complaints investigators
- Personnel standards and performance review

State Written Complaint Process

Some Possible Tracking Milestones

- Receive complaint (start timeline)
- Public agency may respond
- End of early resolution period/process
- Early resolution achieved (end timeline)
- Determine issues to be investigated (set aside any issues also in a DP complaint)
- Initiate investigation
- Receive additional information from parties
- Complete investigation
- Prepare findings/draft report
- Review report, finalize, approve
- Issue final report to parties (end timeline)

Due Complaint Process

Some Possible Tracking Milestones

- Receive DP complaint (start hearing timeline)
- Receiving party responds
- Hearing Officer assigned
- Insufficiency claim period
- Resolution meeting period
- Resolution process period ends
- Resolution settlement agreement
- Other settlement agreement
- Timeline suspended for mediation
- Schedule hearing
- Submission of evidence prior to hearing
- Conduct hearing
- Extension to specific date, if applicable
- HO writes decision
- Decision review process
- Issue final decision (end hearing timeline)
- Redact and publish decision

Personnel Related Issues That May Impact Timeliness

- Who investigates? Specialists? Monitoring staff? Contractors?
- When is investigator assigned? Investigator role in early resolution?
- When is HO assigned? Who assigns? HO role in resolution process?
- Support for process, report, & decision writing (e.g., formats, editors, boilerplate)?
- Investigator/HO compensation?
- Contingencies & personnel evaluation?
- How do HOs handle attorney driven schedule adjustments?

Discussion, Q & A

Open forum – issues include, maybe:

- Problems in data collection/reporting
- Integrated process tracking systems
- Using data in improvement planning
- Barriers to meeting timelines
- Effective improvement strategies