

2008

Part C Dispute Resolution Data Data Collection Challenges and Solutions

Dick Zeller, CADRE

Lisa Pagano & Melanie Byrd, OSEP

OSEP 2008 Overlapping Part B and Part C IDEA Data Meetings
Presented June 11, 2008

Session Agenda

- Getting and Verifying the Data
- Part C Summary Data
- Using Data to Examine Part C System Performance – Compliance and Performance Indicators
- Discussion, Questions & Answers

Influences on the Part C Use of Dispute Resolution

- Quality of early intervention programs
- Culture with respect to contention
- Community or service system size
- Awareness of dispute resolution options
- Responsiveness to parental concerns
- Availability of legal representation
- Parental education/SES variables
- PTI/SEA & PTI/Lead Agency relationships
- Investment in alternative DR systems

Getting and Verifying the Data

Definition Issues

- “Complaints” are formal “written state complaints” (34 CFR 303.510-512), not informal phone calls, notes, parent concerns
- “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 reported for complaints as of 8/29
- “Pending” is included within “not held” for mediations as of 6/30
- “Pending” is calculated for hearings as of 6/30

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

- SPP/APR Calendar (go to “Fall” resources):
www.rrfcnetwork.org/content/view/458/414/
- OSEP on line guidance documents:
www.ed.gov/policy/speced/guid/idea/capr/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 4
- Generating a Table 4 for the APR
- Generating a DTS Table 4 form for submission to Westat

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), EIS Provider, issue, DR process type, by “sub-indicator” (Table 4)
- Examine other dispute related data (e.g., satisfaction surveys, phone logs, informal complaints)

States Reporting Part C Complaint Activity

	03-04	04-05	05-06
≥ One Complaint Filed	23	33	29
≥ One Complaint Report with Findings	21	20	22
≥ One Complaint Report without Findings	15	7	7
≥ One Complaint Completed in 60 Days	15	22	23
≥ One Complaint Completed w/in Extended Timelines	10	9	5

of States Reporting Part C Mediation Activity

	03-04	04-05	05-06
≥ One Mediation Held Related to Due Process	3	8	3
≥ One Mediation Agreement Related to Due Process	1	7	3
≥ One Mediation Held <i>Not</i> Related to Due Process	12	6	7
≥ One Mediation Agreement <i>Not</i> Related to Due Process	8	5	7
≥ One Mediation Not Held	1	5	5

States Reporting Part C Hearings Activity

	03-04	04-05	05-06
≥ One Hearing Filed	9	13	10
≥ One Hearing Held	3	5	6
≥ One Hearing Completed within Standard Timelines	2	1	5
≥ One Hearing Completed within Extended Timelines	2	3	3
≥ One Hearing Pending	3	5	1
≥ One Resolved w/o a Hearing	6	9	6
≥ One Resolution Meeting	0	1	0
≥ One Settlement Agreement	0	1	0

Dispute Resolution Event Rates

- Dispute Resolution Events can be any reported number from Table 4: Complaints Filed, Reports Issued, Mediation Agreements, Hearings Requested
- We calculate a comparable measure across States and Programs (B & C):

DR Events per 10,000 served =

$$\left(\frac{\text{\# of DR Events}}{\text{\# Served}} \right) \times 10,000$$

National Means - Dispute Resolution Events Per 10,000 Part C Child Count

	03-04	04-05	05-06
Complaints Filed	6.6	6.1	5.9
Reports with Findings	3.7	3.0	2.5
Completed within Timeline	1.3	1.0	1.4
Mediations Held	1.9	2.0	2.4
Mediation Agreements	1.2	1.3	2.3
Hearings Held	0.5	0.9	0.6
Decisions within Timelines	0.2	0.6	0.3
# States Reporting 1+ Event	27	33	30

State Reported Dispute Resolution Performance Indicators

	03-04	04-05	05-06
C10 - % Complaints On Time	81%	88%	87%
# States with \geq one complaint report completed	22	25	26
C11 - % Hearings On Time	92%	80%	90%
# States with \geq one hearing held	3	5	6
C13 - % Med. Agreements	59%	88%	95%
# States with \geq one mediation held	13	12	10

“National” Rates of Part B and Part C

	Part C			Part B		
	03-04	04-05	05-06	03-04	04-05	05-06
Complaints Filed	6.6	6.1	5.9	8.9	9.1	8.7
Reports Issued	5.1	4.7	4.5	7.1	6.4	6.2
Mediations Held	1.9	2.0	2.3	9.1	10.4	6.1
Med. Agreements	1.2	1.3	2.3	6.7	8.0	4.4
Hearing Requests	6.8	7.1	4.5	26.6	31.0	27.9
Hearings Held	0.5	0.8	0.6	7.2	10.8	7.9
# States w/ ≥ 1 Event	27	33	30	55	57	55

Why So Little Part C DR Activity?

Hypotheses*:

- Parents of infants & toddlers may be overwhelmed
- Parents don't know the EI system or their rights
- Fear of reprisal or...
“Don't dump your one best friend”
- Time is short; transition is nigh... Mean IFSP age = 17 months (NEILS, 2001)

* 18 interviews with Part C Coordinators from: Gittler & Hurth (1998) Conflict management in early intervention: Procedural safeguards and mediation. *Inf & Yg Children*.11(1)

Why So Little Part C DR Activity?

Hypotheses** (continued):

- By law, early intervention is voluntary
- Parents are the primary decision-makers: may accept or reject any recommended EI service
- Infant and toddler programs tend to be more intimate, family-centered, often provided at home or in natural environments
- Prevention and informal complaint resolution mechanisms resolve concerns
- Population is smaller (between 17 months and 36 months vs. between 36 months and 21 years)

** Not from Gittler & Hurth (1998)

Improving Compliance and Performance

- Is there overall coordination of dispute resolution or separate structures?
- Is the data tracking system integrated across dispute resolution options?
- Does the state promote mediation and informal/early alternate DR options?
- How are dispute resolution options publicized (e.g., hot-lines, IFSP reviews)?
- Does the state collect data to ensure that parents are aware of their DR options?
- Does the state collect satisfaction data on how well parents feel concerns are addressed (via formal or informal DR)?

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