

PAPERWORK REDUCTION ACT SUBMISSION SUPPORTING STATEMENT

**Annual Mandatory Collection of Elementary and Secondary
Education Data through EDFacts**

February 2016

ATTACHMENT B-5

***EDFacts* Data Set:
IDEA Part B Data Collections
through *EMAPS***

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INTRODUCTION

Two tables required under the *Individuals with Disabilities Education Act (IDEA)*, Part B, Section 618, will be collected using the EDFacts Metadata and Process System (EMAPS):

- IDEA Part B Dispute Resolution
- IDEA Part B Maintenance of Effort Reduction/Continuing Early Intervening Services

This attachment explains the data that will be collected through EMAPS for these two tables.

Note that business rules were previously included in this document to note what was automatically checked in the system when the survey responses were submitted. The business rules are considered technical support; the rules are reviewed annually and are published in User Guide instructions publicly available when the survey is open for responses. The rules are not related to data elements collected and were therefore removed from this document.

IDEA PART B DISPUTE RESOLUTION

The data required for this table are organized into the following areas:

- Written, Signed Complaints
- Mediation Requests
- Due Process Complaints
- Expedited Due Process Complaints (related to Disciplinary Decision)

The final section is a glossary of terms.

REQUIREMENTS FOR SUBMITTING THE DATA

- These data are due the first Wednesday of November.
- These data are reported electronically by each state through EMAPS.
- The reporting period for all of the data required in this table is July 1 to June 30.
- Include only actions initiated during the reporting year. Do not include actions initiated in a previous reporting year that continued into the current reporting year.

WRITTEN, SIGNED COMPLAINTS

For this area, state educational agencies (SEAs) will provide the total number of written, signed complaints filed during the reporting period and the following subsets of that number:

- Complaints with reports issued - The number of written, signed complaints that were complaints with reports issued as of 60 days following the end of the reporting period; that is,

the number of complaints that had a written decision from the SEA as of August 29. Also, provide the following subsets of that number:

- o Reports with findings of noncompliance - The number of the reports issued that were reports with findings of noncompliance.
- o Reports within timeline - The number of reports issued that were reports within timeline (60 days). Do NOT include any written decisions issued more than 60 days after the written, signed complaint was filed.
- o Reports within extended timelines - The number of the reports issued that were reports within extended timeline.
- Complaints pending - The number of written, signed complaints that were complaints pending as of August 29. Also, provide the following subset of that number:
 - o Complaints pending a due process hearing - The number of the pending complaints that were complaints pending a due process hearing.
- Complaints withdrawn or dismissed - The number of written, signed complaints that were complaints withdrawn or dismissed as of August 29 (60 days following the end of the reporting period).

MEDIATION REQUESTS

For this area, SEAs will provide the total number of mediation requests received through all dispute resolution processes during the reporting period and the following subsets of that number:

- Mediations held - The number of mediation requests that resulted in mediations held as of the end of the reporting period (June 30). Also, provide the following subsets of that number:
 - o Mediations held related to due process complaints - The number of mediations held that were mediations held related to due process complaints. Also, provide the following subset of that number:
 - Mediation agreements related to due process complaints – The number of mediations held related to due process complaints that resulted in mediation agreements as of the end of the reporting period (June 30).

- o Mediations held not related to due process complaints - The number of mediations held that were mediations held not related to due process complaints. Also, provide the following subset of that number:
 - Mediation agreements not related to due process complaints - The number of mediations held not related to due process complaints that resulted in mediation agreements as of the end of the reporting period (June 30).
- Mediations pending - The number of mediation requests that were mediations pending as of the end of the reporting period (June 30). This includes mediation requests that were pending as of the end of the reporting period.
- Mediations withdrawn or not held - The number of requests that were mediations **withdrawn or** not held as of the end of the reporting period (June 30).

DUE PROCESS COMPLAINTS

For this area, SEAs will provide the number of due process complaints filed during the reporting period. Expedited due process complaints are included here and also reported separately. Also, SEAs will provide the following subsets of that number:

- Resolution meetings - The number of the due process complaints that resulted in a resolution meeting as of the end of the reporting period (June 30). Also, provide the following subset of that number:
 - o Written settlement agreements reached through resolution meetings - The number of resolution meetings that resulted in a written settlement agreement as of the end of the reporting period.
- Hearings fully adjudicated - The number of due process complaints that resulted in hearings fully adjudicated as of the end of the reporting period, that is, the due process hearing was conducted and the hearing officer issued a written decision by June 30. Also, provide the following subsets of that number:
 - o Decisions within timeline (including expedited) - The number of written decisions that were decisions within timeline. Do not include here the decisions within **extended** timelines.
 - o Decisions within extended timeline - The number of written decisions that were decisions within extended timelines. The decision must be issued within the specific time extension granted by the hearing or reviewing officer.

- Due process complaints pending - The number of the due process complaints that were due process complaints pending as of the end of the reporting period (June 30).
- Due process complaints withdrawn or dismissed - The number of due process complaints that were withdrawn or dismissed (including resolved without a hearing) as of the end of the reporting period (June 30).

EXPEDITED DUE PROCESS COMPLAINTS

This area is a subset of the due process complaints area. For this area, SEAs will provide the number of expedited due process complaints filed during the reporting period and the following subsets of that number:

- Expedited resolution meetings - The number of the expedited due process complaints that resulted in a resolution meeting as of the end of the reporting period (June 30). Also, provide the following subsets of that number:
 - Expedited written settlement agreements - The number of resolution meetings that resulted in a written settlement agreement as of the end of the reporting period.
- Expedited hearings fully adjudicated - The number of expedited due process complaints that resulted in expedited hearings fully adjudicated as of the end of the reporting period, that is, the due process hearing was conducted and the hearing officer issued a written decision by June 30. Also, provide the following subsets of that number:
 - Change of placement orders - The number of written decisions that resulted in a change of placement ordered.
- Expedited due process complaints pending - The number of the expedited due process complaints that were expedited due process complaints pending as of the end of the reporting period (June 30).
- Expedited due process complaints withdrawn or dismissed – The number of expedited due process complaints that were withdrawn or dismissed as of the end of the reporting period (June 30).

GLOSSARY

Change of placement ordered – The hearing officer’s written decision in an *expedited due process hearing fully adjudicated* ordered a change in placement of a child with a disability (IDEA) to an appropriate interim alternative educational setting.

Complaint pending – A written, signed complaint that is either still under investigation or the SEA’s written decision has not been issued.

Complaint pending a due process hearing – A written, signed complaint in which one or more of the allegations in the complaint are the subject of a *due process complaint* that has not been resolved.

Complaint with report issued – A written decision was provided by the SEA to the complainant and public agency regarding alleged violations of a requirement of Part B of IDEA.

Complaint withdrawn or dismissed – A written, signed complaint that was withdrawn by the complainant for any reason or that was determined by the SEA to be resolved by the complainant and the public agency through mediation or other dispute resolution means and no further action by the SEA was required to resolve the complaint; or a complaint dismissed by the SEA for any reason, including that the complaint does not include all required content.

Decision within extended timeline - The written decision from a *hearing fully adjudicated* was provided to the parties in the due process hearing more than 45 days after the expiration of the *resolution period*, but within a specific time extension granted by the hearing or reviewing officer at the request of either party.

Decision within timeline – The written decision from a *hearing fully adjudicated* was provided to the parties in the due process hearing not later than 45 days after the expiration of the *resolution period* or in the case of an *expedited due process complaint*, provided no later than 10 school days after the due process hearing, which must occur within 20 school days of the date the *expedited due process complaint* is filed.

Due process complaint – A filing by a parent or public agency to initiate an impartial due process hearing on matters relating to the identification, evaluation, or educational placement of a child with a disability (IDEA), or the provision of a free appropriate public education to the child.

Due process complaint pending – A due process complaint wherein a due process hearing has not yet been scheduled or is scheduled but has not yet been held.

Due process complaint withdrawn or dismissed - A *due process complaint* that has not resulted in a fully adjudicated due process hearing. This includes *due process complaints* resolved through a *mediation agreement* or through a *written settlement agreement*, those settled by some other agreement between the parties (parent and public agency) prior to completion of the due process hearing, those withdrawn by the filing party, those determined by the hearing officer to be insufficient or without cause, and those not fully adjudicated for other reasons. This does not include *due process complaints* that are pending a due process hearing.

Expedited due process complaint – A *due process complaint* filed by: (1) the parent of a child with a disability who disagrees with any decision regarding the manifestation determination and/or disciplinary removal of a student from an educational placement and the placement of that student in an interim alternative educational setting; or (2) a local educational agency that

believes that maintaining the current placement of the child is substantially likely to result in injury to the child or to others.

Expedited due process complaint pending – An expedited due process complaint wherein an expedited due process hearing has not yet been scheduled or is scheduled but has not yet been held.

Expedited due process complaint withdrawn or dismissed – An *expedited due process complaint* that has not resulted in an expedited fully adjudicated due process hearing. This includes *expedited due process complaints* resolved through a *mediation agreement* or through a *written settlement agreement*, those settled by some other agreement between the parties (parent and public agency) prior to completion of the expedited due process hearing, those withdrawn by the filing party, those determined by the hearing officer to be insufficient or without cause, and those not fully adjudicated for other reasons. This does not include *expedited due process complaints* that are pending an expedited due process hearing.

Expedited due process hearing fully adjudicated – A hearing officer conducted a due process hearing concerning an *expedited due process complaint*, reached a final decision regarding matters of law and fact and issued a written decision to the parties about whether a change of placement is ordered.

Hearing fully adjudicated – A hearing officer conducted a due process hearing, reached a final decision regarding matters of law and fact and issued a written decision to the parties.

Mediation agreement – A written legally binding agreement signed by a parent and a representative of the public agency who has the authority to bind the public agency that specifies the resolution of any issues in the dispute that were reached through the mediation process. A mediation agreement that fully or partially resolves issues in dispute is included in “mediation agreement.”

Mediation held - A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency involving any matter under Part B of IDEA or 34 CFR Part 300, and that concluded with or without a written *mediation agreement* between the parties.

Mediation held not related to due process complaint – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was not initiated by the filing of a *due process complaint* or did not include issues that were the subject of a *due process complaint*.

Mediation held related to due process complaint – A process conducted by a qualified and impartial mediator to resolve a disagreement between a parent and public agency that was initiated by the filing of a *due process complaint* or included issues that were the subject of a *due process complaint*.

Mediation not held – A request for mediation that did not result in a mediation being conducted by a qualified and impartial mediator. This includes mediation requests that were withdrawn, mediation requests that were dismissed, requests where one party refused to mediate, and requests that were settled by some agreement other than a *mediation agreement* between the parties.

Mediation pending – A request for mediation that has not yet been scheduled or is scheduled but has not yet been held.

Mediation request – A request by a party to a dispute involving any matter under Part B of IDEA for the parties to meet with a qualified and impartial mediator to resolve the dispute(s).

Report with findings of noncompliance - The written decision provided by the SEA to the complainant and public agency in response to a *written, signed complaint*, which finds the public agency to be out of compliance with one or more requirements of Part B of IDEA or 34 CFR Part 300.

Report within extended timeline – The written decision from the SEA was provided to the complainant and the public agency more than 60 days after the *written, signed complaint* was filed, but within an appropriately extended timeline. An appropriately extended timeline is an extension beyond 60 days that was granted due to exceptional circumstances that exist with respect to a particular complaint; or if the parent and the public agency involved agreed to extend the time to engage in mediation, or to engage in other alternative means of dispute resolution, if available in the state or under state procedures.

Report within timeline – The written decision from the SEA that was provided to the complainant not later than 60 days after receiving the *written, signed complaint*.

Resolution meeting – A meeting, convened by the local educational agency (LEA), between the parent(s) and school personnel to discuss the parent's *due process complaint* and the facts that form the basis of the *due process complaint* so that the LEA has the opportunity to resolve the dispute that is the basis for the *due process complaint*.

Resolution period – Thirty (30) days from the LEA's receipt of a *due process complaint* unless the period is adjusted because: (1) both parties agree in writing to waive the *resolution meeting*; or (2) after either the mediation or *resolution meeting* starts, but before the end of the 30-day period, the parties agree in writing that no agreement is possible; or (3) if both parties agree in writing to continue the mediation at the end of the 30-day *resolution period*, but later, the parent or public agency withdraws from the mediation process.

Written settlement agreement – A legally binding written document, signed by the parent and a representative of the public agency, specifying the resolution of the dispute that formed the basis for a *due process complaint* arrived at in a *resolution meeting*. For the purposes of reporting on Table 7, a *written settlement agreement* is one that fully resolves all issues of the *due process complaint* and negates the need for a due process hearing.

Written, signed complaint – A signed, written document submitted to the SEA by an individual or organization (complainant) that alleges a violation of a requirement of Part B of IDEA or 34 CFR Part 300, including cases in which some required content is absent from the document.

MAINTENANCE OF EFFORT REDUCTION/ COORDINATED EARLY INTERVENING SERVICES

The data required for this table are organized into the following areas:

- LEA Allocations
- Maintenance of Effort Reduction
- Provision of Coordinated Early Intervening Services (CEIS)
- Number of Children Receiving CEIS
- Note that Federal Fiscal Years (FFY) advance each year. The FFY's noted below are for SY 2016-17.

REQUIREMENTS FOR SUBMITTING THE DATA

- These data are due the first Wednesday in May.
- Report dollar amounts with up to two decimal places.
- Report on **every** local educational agency (LEA) and educational service agency (ESA) that received a Section 611 or Section 619 subgrant from your state.
- In providing data for this collection, the State is to submit complete and unsuppressed data.
- Each LEA/ESA must be reported by LEA/ESA name and NCES ID #.
- Business rules are reviewed annually and provided as technical assistance in the User Guide (available when the survey opens).

SECTION A: LEA ALLOCATIONS

SEAs will provide the year for which the data were used to make the LEA/ESA determinations and the following information related to each LEA/ESA allocation during the reporting period:

- Total LEA/ESA allocation for IDEA Section 611 for:
 - FFY 2015
 - FFY 2016
 - Increase in LEA/ESA allocations from FFY 2015 to FFY 2016. The value will be auto-calculated.
- Total LEA/ESA allocation for IDEA Section 619 for:
 - FFY 2015
 - FFY 2016

- Increase in LEA/ESA allocations from FFY 2015 to FFY 2016. The value will be auto-calculated.
- Total LEA/ESA allocation for Sections 611 and 619 for FFY 2016. The value will be auto-calculated.
- 15% of total LEA/ESA allocation for Sections 611 and 619 for FFY 2016. The value will be auto-calculated.

SECTION B: MAINTENANCE OF EFFORT REDUCTION

SEAs will provide the following information related to each LEA/ESA during the reporting period (the dates below are advanced annually):

- Specify the determination under 34 CFR 300.600(a)(2) that controls whether the LEA may be able to reduce MOE during SY 2016-17
- **NEW!** Specify whether the State determined if the LEA/ESA met the MOE compliance standard during SY 2016-17.
- **NEW!** Specify whether the LEA/ESA met the MOE compliance standard during SY 2016-17
- **NEW!** Specify whether, by the date of submission, the State returned non Federal funds to the Department based on the failure of the LEA/ESA to meet compliance standards in SY 2016-17
- **NEW!** Amount of non-Federal funds the state returned to the Department based on the failure of the LEA/ESA to meet compliance standards in SY 2016-17
- Reduction in dollars of local and/or State funds taken pursuant to Section 613(a)(2)(C) by the LEA/ESA during SY 2016-17
- Percent of the available reduction taken by LEA/ESA during SY 2016-17. The value will be auto-calculated.

SECTION C: PROVISION OF COORDINATED EARLY INTERVENING SERVICES (CEIS)

SEAs will provide the following information related to each LEA/ESA during the reporting period:

- Required CEIS
 - Identify which LEAs/ESAs were required to use 15% for CEIS due to significant disproportionality in SY 2016-17
 - Each category under which the LEA/ESA was identified as significantly disproportional
 - Amount reserved for required CEIS in the LEA/ESA in SY 2016-17
 - Percent taken for required CEIS during SY 2016-17. The value will be auto-calculated.
- Voluntary CEIS
 - Identify which LEAs/ESAs voluntarily used up to 15% of its *IDEA* 611 and 619 funds for CEIS in SY 2016-17
 - Amount reserved for voluntary CEIS in SY 2016-17

- Percent taken for voluntary CEIS during SY 2016-17. The value will be auto-calculated.

SECTION D: NUMBER OF CHILDREN RECEIVING COORDINATED EARLY INTERVENING SERVICES

SEAs will provide the following information related to each LEA/ESA during the reporting period:

- Total number of children receiving CEIS in the LEA/ESA during SY 2016-17
- Total number of children who received CEIS anytime in the past 2 school years (including SYs 2014-15, 2015-16, 2016-17) and received special education and related services in SY 2016-17
- State's definition of significant disproportionality.