

SPP Summary – Indicator B-16
Timeliness in the Completion of Complaint Investigations
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This document summarizes indicator B-16 for Part B SPPs. The indicator is one of four dispute resolution indicators for Part B. Indicator B-16 is:

“Percent of signed written complaints with reports issued that were resolved within 60-day timeline or a timeline extended for exceptional circumstances with respect to a particular complaint.”

Data necessary to calculate this indicator were included in Attachment 1 of the SPP for school year 2004-05 and have been included in the two previous Annual Performance Reports (2002-03 and 2003-04 school years). Measurement of this indicator is defined, with the label and cell designations from Attachment 1, as:

$$\text{Percent} = [(1.1(b) + 1.1(c)) \text{ divided by } (1.1)] \text{ times } 100$$

where,

$$\begin{aligned} (1.1)(b) &= \text{“Reports within timelines”} \\ (1.1)(c) &= \text{“Reports within extended timelines”} \\ (1.1) &= \text{“Complaints with reports issued”} \end{aligned}$$

METHODOLOGY:

CADRE compiled and examined the Indicator 16 sections from the SPPs of all 50 states, DC, BIA, five outlying areas (AS, CNMI, GU, PR, VI), and the three Freely Associated States (FSM, ROP, RMI). For purposes of this report, these 60 entities are referred to in aggregate as “states.” Each state report was summarized to capture the following information:

- Baseline reported for Indicator B-16
- Number of years of data for Indicator B-16 reported in the SPP text
- Improvement/maintenance practices described (in many cases it is not possible to distinguish improvement from maintenance)
- Assertions states made about the effectiveness of their complaints system
- Description of the “measurable and rigorous target” for Indicator B-16

Two or more reviewers read and compiled data for each of the above elements for each state. Reviewers entered the resulting summaries into an Excel data base, with a focus on capturing in brief the language each state used. The authors of this document then

coded these summaries in order to categorize improvement or maintenance strategies, assertions of effectiveness, and measurable and rigorous target descriptions.

SUMMARY AND ANALYSIS:

2004-05 School Year Baseline Reported for Indicator B-16

Fifty-six (56) states reported having one or more complaints during 2004-05. The total number of complaints reported by these states was 8,337; of these, 7,478 were completed “on time” (within 60 days or with an extended timeline), for a national rate of 89.7%. However, ten states report 80% of all complaints nationally; one state accounted for 58% of the national total. More than half of the 56 states reporting baseline values on this indicator indicated that they completed all complaints within 60 days or within an appropriately extended timeline. The following table displays the range of state rates of completion:

<u>Indicator B-16 Value Reported</u>	<u>Number of States Reporting</u>
<50%	3
50% - 75%	6
75% - 90%	6
>90% - <100%	10
100%	31

Few states documented in the text of the SPP whether or not extensions were used to complete complaint investigations on time. Not all the data from Attachment 1 has not been completely verified as of the preparation of this summary. However, based on those states whose Attachment 1 data has been verified, it appears that nationally less than 15% of “on time” complaints involve the use of an extension. About one-third of states used extensions more than 20% of the time to achieve timely completion, but most states do not seem to make frequent use of extensions.

Number of Years of Data Reported in the SPP Text

The data necessary to calculate this performance indicator have been a part of the Annual Performance Report and now the SPP for three years. Dispute resolution activity varies considerably among Part B programs. The vast majority of states, however, did not report baseline data beyond the single year covered by this SPP (2004-05).

Eleven (11) states reported two or more years of data for this indicator; seven of these states reported three or more years. The trend information provided by these states varied, with some states showing improved on-time performance and others showing slippage. It was not the case that states with multiple years of data only displayed positive improvements. Some states have clearly used the trend data to help focus their efforts to improve future timeliness.

Improvement/Maintenance Practices Described

States varied widely in the level of practice descriptions they provided in the SPP. What states reported in the SPP is summarized here, although CADRE is aware of innovative and effective state practices that were not included in the SPPs. This summary is also limited by:

- States differing in their willingness to report non-required activities in the SPP;
- Difficulty in distinguishing improvement from maintenance activities;
- Difficulty in finding the connection between apparent improved performance and what the states see as their effective practices;
- Differing terminology (e.g., states use “train, develop personnel, provide TA/ support, conduct annual conference” to describe similar activities);
- Sketchiness and variability of report detail (e.g., “annual training” v. “30 hours of mediation training & 24 hours IDEA update training”);
- States using a standard format for improvement activities; for 19 states, improvement activities were the same for all indicators and differed, if at all, only in terminology (e.g., “hearing officer training” v. “mediator training”).

Because Improvement strategies for many states followed a common format across dispute resolution indicators, the summary below lists types of improvement strategies and the number of states that included them in their SPPs under *All Indicators* and under *Indicator B16*:

Improvement “Strategies”	All Indicators	Indicator B-16
• Training and Technical Assistance	53	32
• Data collection and tracking systems	46	32
• Review data & plan system changes	29	20
• Guidance/public awareness materials	26	11
• Satisfaction surveys and user feedback systems	23	2
• PTI, stakeholders, and advisory Involvement	18	7
• Assign or adjust FTE of staff as needed	11	4
• Promote ADR options	26	13
• Forms and templates to expedite processes	21	10

Most of the above activities would seem to be basic components of a state system. The absence of reporting, however, does not necessarily indicate an absence of activity. For states with integrated dispute resolution systems, redundancy across indicator reports might be inevitable, because the state sees different dispute resolution processes as closely related.

States use the terms training, technical assistance, personnel development, annual conference, etc., to designate activities with the same function. Many states list “training” without any further specification. Some states emphasized training in rights and procedural safeguards, while others focused on specific communications skills and

dispute resolution approaches. Several states indicated they were exploring web-based skills training approaches.

Many states list data collection and tracking systems and periodic performance reviews. These clearly overlapping functions focused in different states on tracking complaints timelines (with tickler systems), monitoring complaint investigator performance, ensuring the implementation of corrective actions, or identifying issues for improvements in the operation of the complaints system. Few states, however, report using participant satisfaction or feedback as a check on the effectiveness of the corrections in addressing parent concerns.

Common early dispute resolution processes supported through complaints processes were “early complaints resolution” periods. These typically involve time at the early stages of the complaint filing (e.g., 10 days to 2 weeks) for the parties to consider a face-to-face conference or a mediation to address the concerns. If settlement is reached through this approach, the filing party typically withdraws the complaint and agreed to changes in program are then implemented.

Assertions of Effectiveness Regarding the State’s Complaints System

Eight states asserted that their systems resulted in fewer complaints or that complaint investigations were completed on time because of particular improvement strategies. The connection between data on improved performance and these strategies was, at least, articulated. Common elements in these “effective strategies” include:

- Electronic data tracking systems, with “ticklers” for key points in the process
- Forms/templates/processes for complaint filing (e.g., guides to parents), and efficient communications with parties, documentation, etc.
- Prescreening processes to determine validity of complaint
- Additional and dedicated “expert” staffing (e.g., coordinator, attorney, paralegal)
- Training for investigators with an emphasis on timelines
- Strict/higher internal standards for investigation and reporting (e.g., 30 days)
- Standards for and documentation of any timeline extension
- Promotion and use of early resolution and alternative dispute resolution processes (e.g., IEP facilitation, resolution facilitator, parent “navigators”)

Description of the “Measurable and Rigorous Target” for Indicator B-16

For almost all states, the target statement took this form: “100% resolved within 60-day timeline, or a timeline extended for exceptional circumstances.” A few states provided other targets. These included:

- Providing adequate staffing and work distribution so that no complaint investigator had more than three complaints at any one time
- Setting a higher standard for time to report completion (e.g., 30-35 days)
- Reduce complaint filings and investigations by 3% per year

- Increase use of early resolution and alternative dispute resolution approaches

While Indicator B-16 must have a 100% goal, the effective management of a complaints system, in the context of broader dispute resolution, should involve other goals and indicators (e.g., increased use of alternative dispute resolution approaches, durability of corrective actions required through complaints). Most states were not explicit about what these other indicators were.

CADRE RECOMMENDATIONS FOR COMPLAINTS SYSTEMS

- Improve the documentation and quality of data to support assertions about effective practices;
- Establish and use performance indicators for all dispute resolution system management beyond the four required performance indicators;
- Establish integrated dispute resolution data systems for formal complaints, due process, resolution sessions, mediations, other dispute resolution approaches, and for tracking of expressed parent concerns;
- Support early and informal dispute resolution options (e.g., early complaint resolution, other early dispute resolution approaches prior to filing);
- Provide training for staff and parents focused on dispute resolution options and effective collaborative working relationships;
- Develop parent/provider surveys to measure awareness of DR options, understanding of rights, and satisfaction with special education services and dispute resolution processes.