

SPP Summary – Indicator B-18  
***Effectiveness of Resolution Sessions in Reaching Settlement Agreements***  
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This document summarizes indicator B-18 for Part B SPPs. This indicator is one of four potential dispute resolution indicators for Part B. Indicator B-18 is:

“Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.”

This is a new requirement under IDEA 04, effective July 1, 2006. As a result, data necessary to calculate this indicator were not included in Attachment 1 of the SPP for school year 2004-05. The first year of data (2005-06 school year) and the establishment of baselines for this indicator will be reported in the Annual Performance Report due February 1, 2007. Measurement of this indicator is defined, with the label and cell designations from Attachment 1, as:

$$\text{Percent} = \left[ \frac{\text{(3.1)(a)}}{\text{(3.1)}} \right] \text{ times } 100.$$

where,

$$\begin{aligned} \text{(3.1)(a)} &= \text{[resolution session] "Settlement agreements"} \\ \text{(3.1)} &= \text{"Resolution sessions" [held]} \end{aligned}$$

## **METHODOLOGY:**

CADRE compiled the Indicator B-18 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-18
- Improvement/maintenance practices described (in many cases it is not possible to distinguish improvement from maintenance)
- Description of the “measurable and rigorous target” for Indicator B-18

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:**

## Baseline to be Reported for Indicator B-18

No states reported baseline for this indicator, although a few states make reference to the successful use of “informal settlement conferences,” or “reconciliation conferences” as processes that have been available in their states previously. In addition to creating several new data reporting elements, the formalization of the “resolution session” in IDEA 04 may add a new dimension in the options schools and parents have in dealing with conflict. In some states, it will name and formalize some existing practices. Except for a few states that did not include anything on this indicator, almost all states said that they would begin data collection as of July 1, 2005.

## Improvement/Maintenance Practices Described

This indicator is new and the requirement to collect data on resolution sessions did not take effect until July 1, 2005. As a result, “improvement strategies” listed by 26 states that included them were really “implementation strategies” for the new requirement. Below are the types of improvement strategies and the number of states that included them in their SPPs under *All Indicators* and under *Indicator B18*:

Improvement “Strategies”	All Indicators	Indicator B-18
• Training and Technical Assistance	53	11
• Data collection and tracking systems	46	22
• Review data & plan system changes	29	7
• Guidance/public awareness materials	26	4
• Satisfaction surveys and user feedback systems	23	3
• PTI, stakeholders, and advisory Involvement	18	4
• Assign or adjust FTE of staff as needed	11	0
• Promote ADR options	26	1
• Forms and templates to expedite processes	21	9

Because the resolution session must be convened by the local district, many states do not see a staffing responsibility in this area. In some cases, states noted under indicator 17 (hearing timeliness) that they were assigning responsibility for tracking and reporting on resolution sessions to the hearing officer. Clearly, most states are awaiting clarification in the final regulations, but some are proceeding to provide guidance to LEAs in how to conduct an effective resolution session. Many states indicated that they will add resolution session data to their tracking system, but only a handful specified the data to be collected and who would actually collect it. Several states indicated they will provide training to local staff in how to conduct an effective resolution session, and a handful of states indicated they will train “facilitators” to assist in conducting effective resolution sessions. The coming year will hold opportunities to make the resolution session an effective element of a states dispute resolution system.

## Description of the “Measurable and Rigorous Target” for Indicator B-18

Almost all states indicated that a target was not yet applicable, because they have not collected any baseline data yet. States will report baseline data in and set targets for this indicator in their first APR due February 1, 2007.

Two states reported from past experience that “conciliation conferences” or “informal settlement” conferences had been effective in resolving disputes prior to hearings. Other states might consider any informal data they have on due process requests resolved without hearing as an indicator of past experience as they set targets in the 2005-06 APR.

## **CADRE RECOMMENDATIONS FOR INDICATOR B-18**

- 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;
- Establish procedures to ensure that LEAs meet timelines for “convening” resolution sessions and that data on the sessions and any resulting settlement agreements are provided by the SEA;
- Support other early and informal dispute resolution options (e.g., 48 hour response to expressed parent concerns, facilitated IEPs for complex issues);
- Train staff and parents with a focus on dispute resolution options and effective collaborative working relationships, whether in resolution sessions or in other venues;
- Develop parent/provider surveys to measure awareness of DR options, understanding of rights, and satisfaction with special education services and dispute resolution processes.
- Consider establishing data collection systems that will support good management of resolution sessions systems, including:
  - Resolution session held
  - # days from filing that the session was held
  - Resolution settlement agreement finalized and issues addressed
  - # days from filing that the agreement was reached
  - Use of 3 day period to rescind agreement and by which party
  - Issues agreed to in settlement agreement
  - Whether any issues in the original due process filing proceed to hearing or are otherwise unresolved
  - Resolution process elements (use of facilitator, participants)