



State Performance Plan (SPP)/ Annual Performance Report (APR) 2020-2025

Individuals with Disabilities
Education Act (IDEA)



IDEA STATE PERFORMANCE PLAN STAKEHOLDER ENGAGEMENT



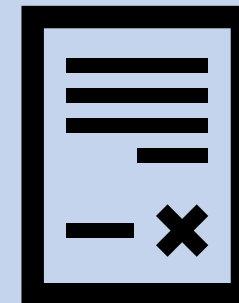
Indicator 15 Resolution Sessions





INDICATOR 15

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





Agenda for SPP Indicator 15





Thank you for participating today!

Today participants will...



1. Increase understanding of Indicator #15, and how NY State measures and collects this data.
2. Increase understanding of current information and trend data regarding NYS progress in meeting SPP 15 targets + state and national comparisons.
3. Increase understanding of current and suggested improvement strategies to increase the percent of impartial hearing resolution sessions resolved through settlement agreements.
4. Review proposed targets for the FFY 2020-2025 SPP/APR.





Introduction





Frequently Used Terms



Term	Description
State Performance Plan (SPP)	A six-year plan that the United States Department of Education requires each state to develop to improve its implementation of the IDEA.
Annual Performance Report (APR)	The annual report to the United States Department of Education on the 17 indicators included in a state’s six-year SPP.
Federal Fiscal Year (FFY)	Federal Fiscal Year (October 1 – September 30)
SPP Indicator 15	SPP Indicator 15 measures percent of hearing requests resolved through Resolution Session settlement agreements.
Due Process Complaint Notice	A written request for an impartial hearing filed by either a parent or a school district relating to a disagreement on a special education matter.
Due Process Hearing/Impartial Hearing	A formal process in which the parent and the school district present their case and present evidence before an impartial hearing officer who issues a written decision.
Resolution Period	A Resolution Period is an opportunity for the parent and the district to resolve a complaint before going to an impartial hearing.
Resolution Session/Meeting	A resolution meeting is an opportunity for the parent(s) and district representatives to discuss the complaint and to reach a possible agreement before the impartial hearing takes place.
Resolution Session Settlement Agreement	A written agreement between parent and district reached during a resolution meeting.





Key Information Regarding Impartial Hearings



- In New York State, there were 11,267 impartial hearings requested in the 2019-20 school year. The majority of due process complaints filed in New York State involve the New York City Department of Education. Of the 11,267 requests for due process impartial hearings in 2019-20, 10,797 were filed in NYC as compared to 470 in the Rest of State districts.
- New York State has significantly more requests for special education impartial hearings than most other states combined.
- An impartial hearing may be requested by either a parent or school district. Most impartial hearings in New York State result from parent-filed due process complaints.
- Only parent-requested due process hearings must include a resolution session/meeting.





Requirements Regarding Resolution Sessions

- State regulations require that parent-requested due process impartial hearings include a resolution period where the parties try to resolve the complaint before moving to an actual impartial hearing. Within 15 days of receiving a due process complaint notice from the parent, the school district must convene a resolution meeting.
- This resolution meeting between the parent and district must occur during the 30-day resolution period unless waived by both parties in writing or they agree to use mediation to resolve the dispute.





Requirements Regarding Resolution Sessions, (Continued)



- The resolution meeting must include the parents and the relevant members of the committee on special education (CSE) or committee on preschool special education (CPSE), as determined by the school district and the parent, who have specific knowledge of the facts in the complaint.
- The resolution meeting must also include a representative of the school district who has decision-making authority.
- A school district's attorney may not participate in the resolution meeting unless the parent is accompanied by an attorney.





Resolution Period Data Collection

- While some districts do report the number of resolution sessions/meetings requested and/or held, the New York State Education Department does not currently require that districts report this information.
- Currently, some settlement agreements occur after the resolution period has ended and as a result, these settlement agreements cannot be included in our Indicator 15 data.





Measurement





Goal #1:

- Increase understanding of Indicator #15 and how New York State measures and collects this data.





Source of Data

- Data is collected from NYSED's Impartial Hearing Reporting System (IHRS):
 - Data is entered directly into the IHRS by each school district with the exception of the New York City Department of Education (NYCDOE).
 - Staff from the NYC Impartial Hearing Office enter data into the NYCDOE data system: the Impartial Hearing System (IHS).
 - Data entered into IHS is automatically transferred into IHRS on a daily basis.
- Data Collection Period: July 1 through June 30 of each school year.





How we measure Indicator 15

<p>[Numerator 3.1(a)]</p> <p>Written settlement agreements reached through resolution meetings</p>	<p>÷</p>	<p>[Denominator (3.1)]</p> <p>Number of resolution sessions (meetings) held</p>	<p>X 100</p>	<p>= Percent of hearing requests that went to resolution sessions that were resolved through resolution session settlement agreements.</p>
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- **Measurement:** Percent = (3.1-a) divided by 3.1) times 100
- **Data Included:** For example, using 2019-20 data-
- (3) Total number of due process complaints filed = 11,068
- (3.1) Number of resolution sessions (meetings) held =10,770
- (3.1-a) Written settlement agreements reached through resolution meetings = 110

$110 \div 10,770 \times 100 = 1.02\%$





Stakeholder Discussion



Check for Understanding:

Are there any questions about the SPP 15 measurement or how the data is used to measure results or outcomes?





The Data





Goal #2:

- Increase understanding of current information and trend data regarding New York State's progress in meeting SPP 15 targets
- Review state and national comparisons





Explanation Indicator 15 FFY Data in the Annual Performance Report (APR)

Data years presented will reflect the data NYSED submits to the federal Office of Special Education Programs (OSEP) in the APR which covers the federal fiscal year (FFY) period

The Indicator 15 data is collected on a school year basis

The FFY 2020 APR is submitted to OSEP



The 2020-21 School Year Data is included in the FFY 2020 APR





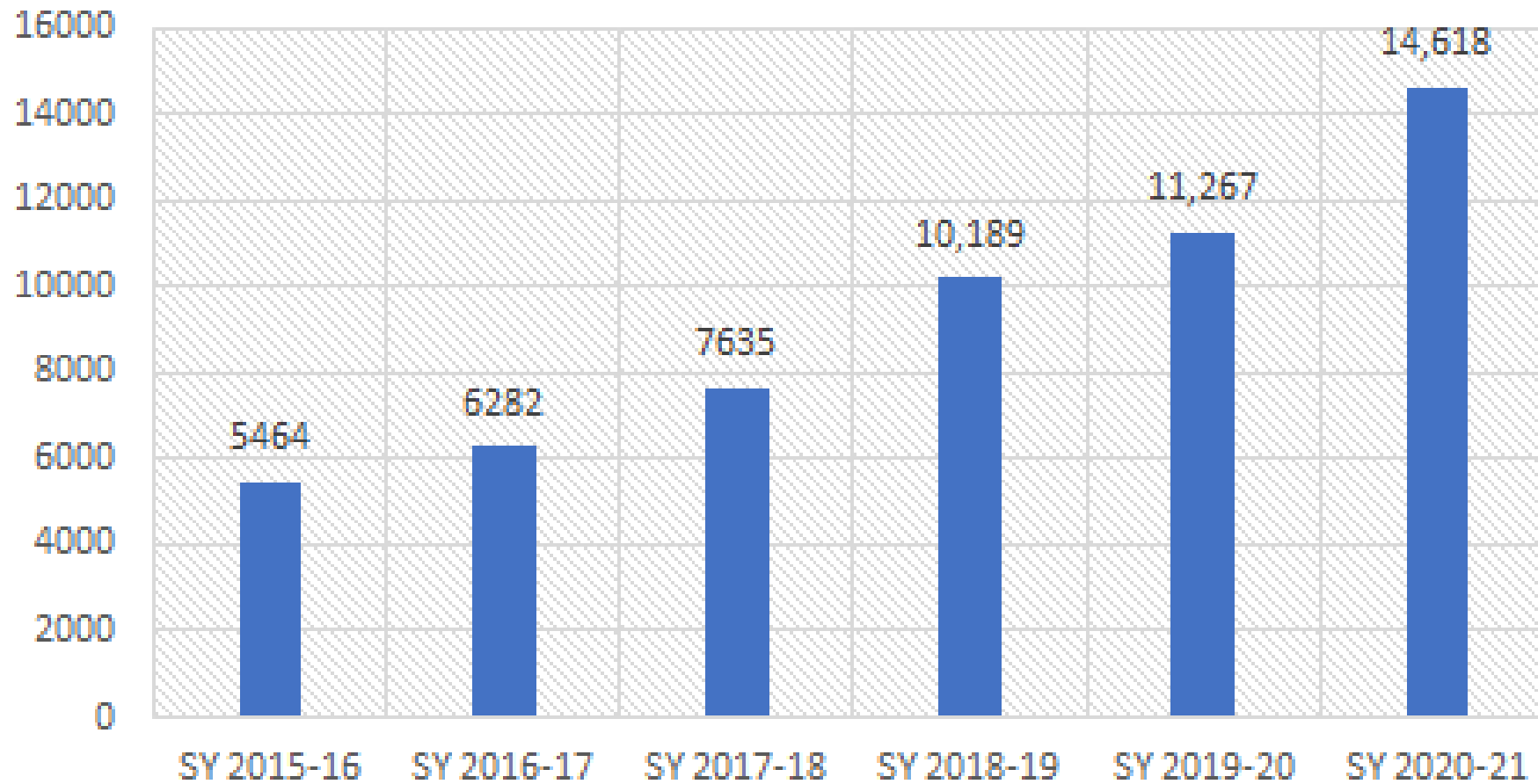
NYS Due Process Complaints Increase - 6 Year Trend

New York State	SY 2015-16	SY 2016-17	SY 2017-18	SY 2018-19	SY 2019-20	SY 2020-21 To be reported to OSEP in Fall 2021.
# DPC Requests	5464	6282	7635	10,189	11,267	14,618





of Due Process Complaint requests in NYS





Trend data of due process complaints filed

In School Year 2020-21, 98% of all due process complaints filed in the State involve the New York City Department of Education (NYCDOE)

	15-16	16-17	17-18	18-19	19-20	20-21 data (to be reported fall 2021)
All NY State # Requests	5,464	6,282	7,635	10,189	11,267	14,624
# Requests NYCDOE	5,026	5,779	7,144	9,694	10,797	14,266
% requests NYCDOE	92%	92%	94%	95%	96%	98%
# Requests Rest of State	438	503	491	495	470	358
% requests Rest of State	8%	8%	6%	5%	4%	2%





Data Used to Calculate Indicator 15 Resolution Settlement Agreements

Baseline 2006 10.63%

5-year trend of reported statewide data:

	2015-16	2016-17	2017-18	2018-19	2019-20
# Due Process Complaints Filed	5305	6027	7601	10,071	11,058
• # Resolution Meetings Held	5036	5785	7288	9702	10,777
Resolution Meeting Settlement Agreements	161	164	132	130	110
Rate of Resolution Settlement Agreements	3.1%	2.8%	1.8%	1.3%	1.02%

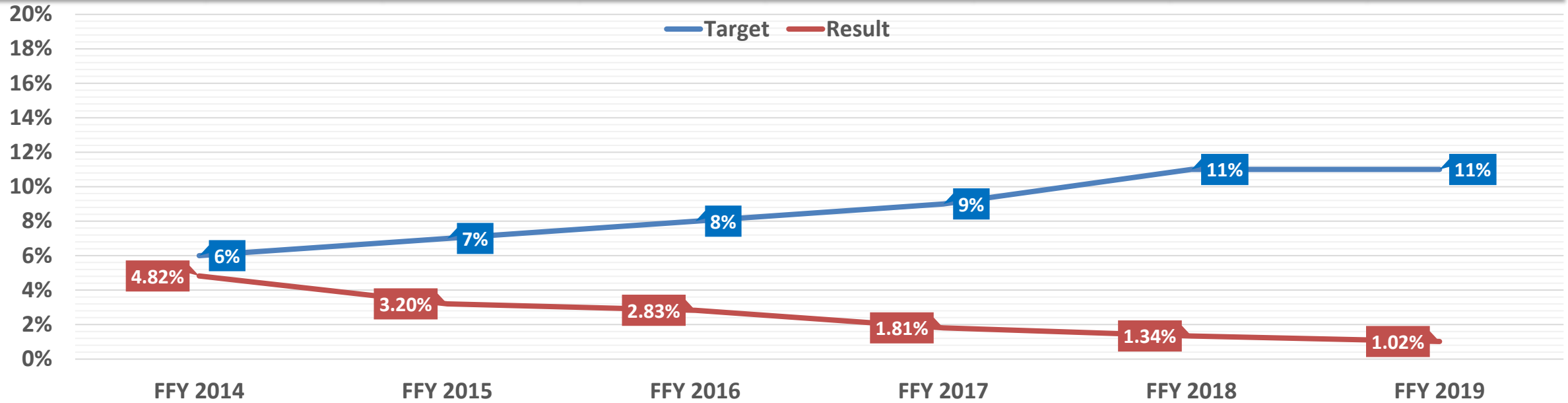




Indicator 15: Resolution Sessions

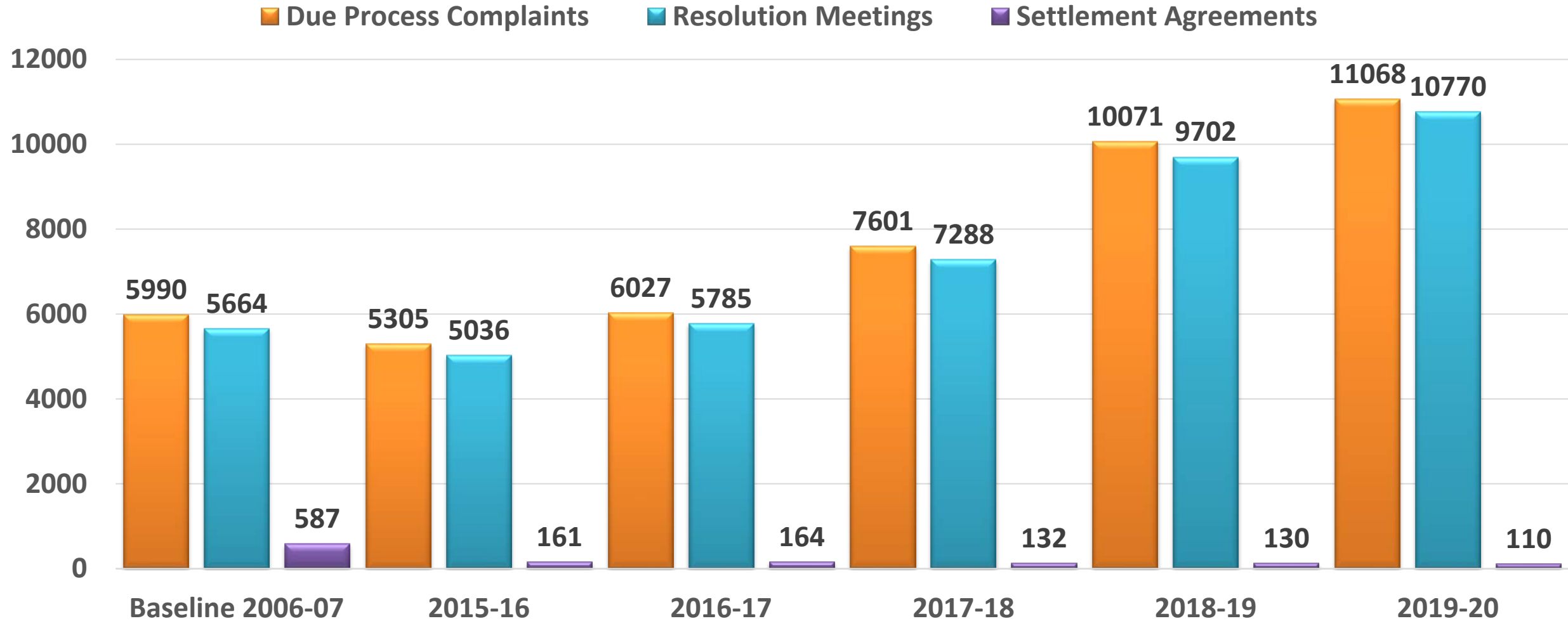
Trend Data FFY 2014 – FFY 2019

Baseline Data	FFY	2014	2015	2016	2017	2018	2019
2006							
10.63%	Target <=	6.00%	7.00%	8.00%	9.00% - 10.00%	11.00% - 12.00%	11.00% - 12.00%
	Data	4.82%	3.20%	2.83%	1.81%	1.34%	1.02%





Number of Hearing Requests Going to Resolution Sessions and Resolved Through Resolution Session Agreements

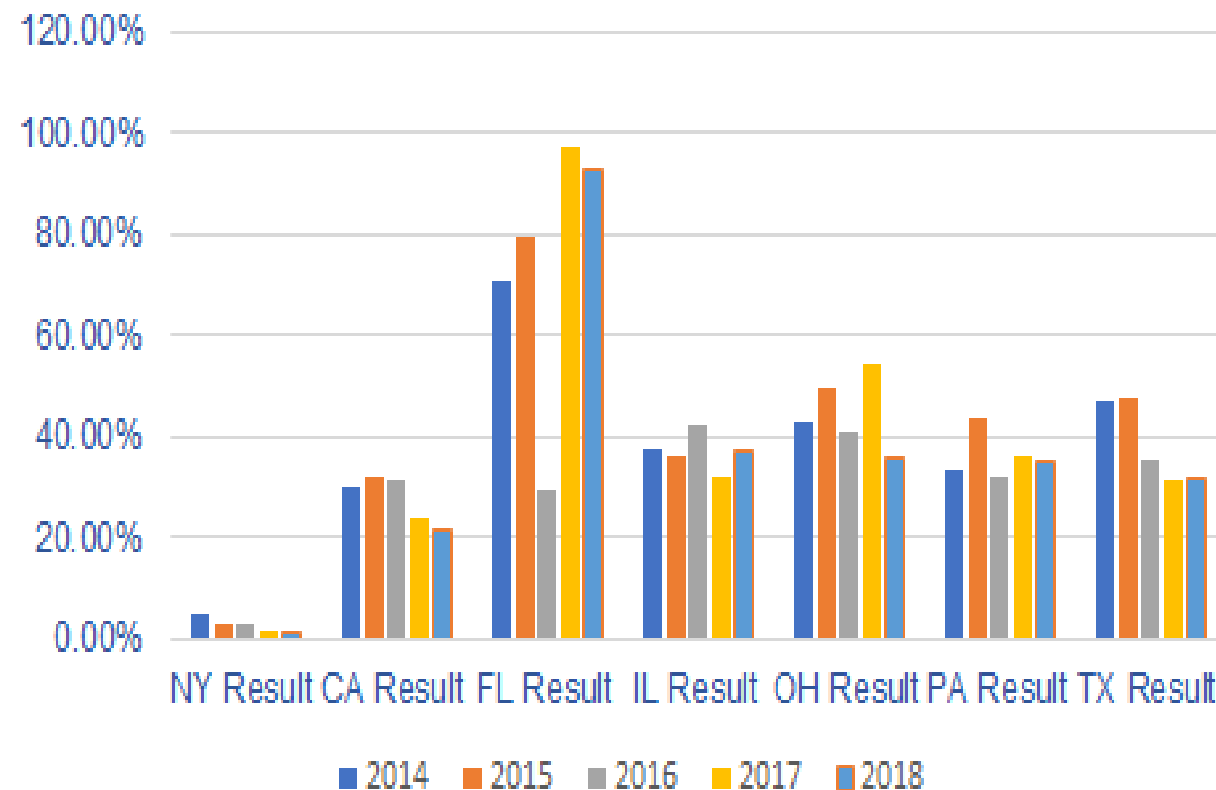




FFY2014-2018 NYS Results Compared to 7-PAK States

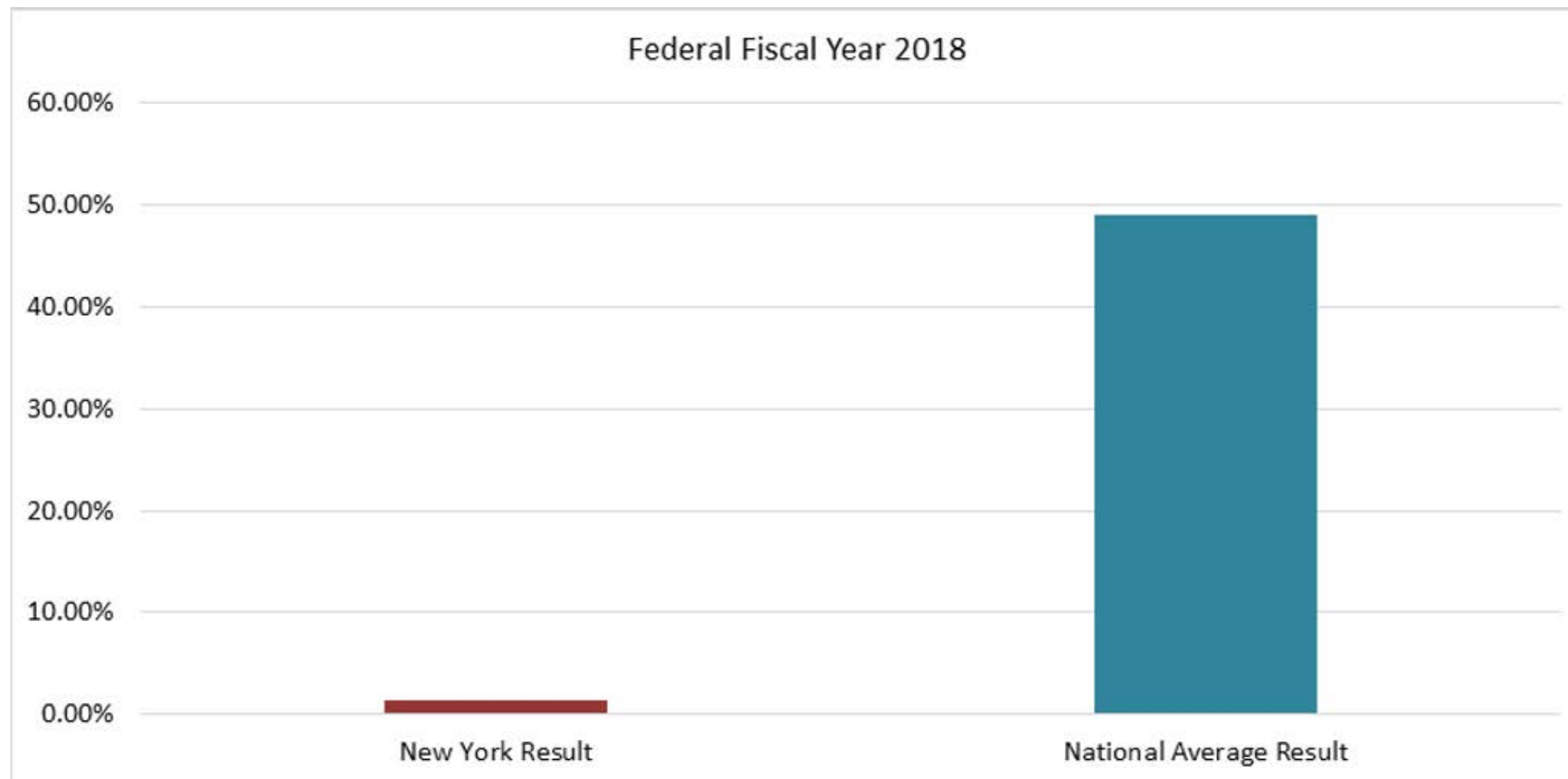
STATES	2014	2015	2016	2017	2018
New York	4.82%	3.20%	2.83%	1.81%	1.34%
California	30.18%	32.18%	31.24%	24.15%	21.92%
Florida	70.59%	79.66%	29.63%	97.22%	92.59%
Illinois	37.84%	36.36%	42.50%	32.43%	37.04%
Ohio	43.04%	50.00%	41.07%	54.17%	36.07%
Pennsylvania	33.20%	43.75%	32.21%	36.31%	35.06%
Texas	46.85%	47.89%	35.63%	31.78%	31.65%

Indicator 15 Results - 2014-2018





New York Compared to National Resolution Agreement Rate





Stakeholder Discussion



- ❖ **What did you find interesting about the SPP data?**
- ❖ **What NYS data components surprised you?**





Improvement Activities





Goal #3:

Increase understanding of current and suggested improvement strategies for indicator 15.





Current Improvement Activities



- May 2019 Comprehensive Compliance Assurance Plan (CAP) for New York City Department of Education required that the district develop a plan to ensure that staff representing the district at resolution meetings are authorized to enter into settlement agreements.
- The CAP also requires the district to develop methods to more effectively use resolution sessions to resolve due process hearing complaints.
- Information regarding resolution sessions is provided in the following NYSED documents available on the NYSED website
 - [January 2018 Q&A document](#)
 - [September 2017 Q&A document](#)
 - [NYSED's Procedural Safeguards Notice July 2017](#)





Proposed Improvement Activities



➤ Recommendations:

- NYSED will review its data collection and reporting requirements and processes regarding resolution meetings to ensure collection of pertinent data points from all districts, including all Community School Districts in the New York City Department of Education (NYCDOE).
- NYSED will provide guidance to districts to improve data collection and reporting regarding all aspects of the resolution process.
- NYSED will engage in increased monitoring of district submission of this data.





Proposed Improvement Activities, Con't.

➤ Recommendations:

- NYSED will require NYCDOE to develop and implement new procedures to initiate a resolution session upon the parent's filing of an impartial hearing request.
- NYSED will revise its' electronic data collection and monitoring system to obtain and monitor pertinent data from districts on resolution sessions.
- NYSED will provide guidance on conducting effective resolution sessions.

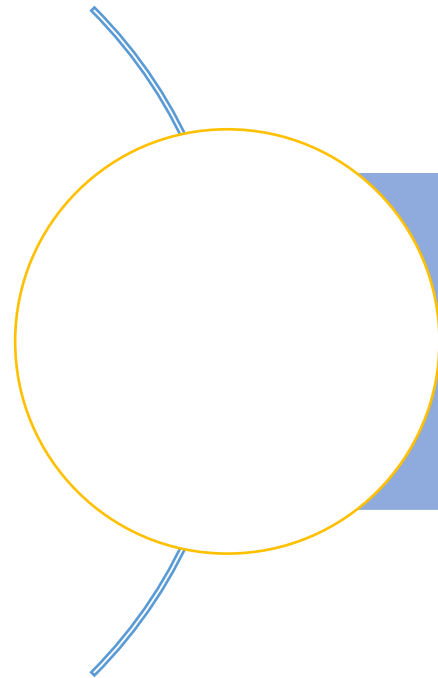




Stakeholder Discussion

What activities could be considered, maintained, or strengthened to address improvements in this area?





Target Setting





Goal #4:

Review proposed SPP Indicator 15 targets for the FFY 2020-2025 SPP/APR.





Proposed Indicator 15 Targets 2021-2025

Baseline	2006	10.63%
	2021	1.02%

Proposed Targets

Baseline Data	FFY	2020	2021	2022	2023	2024	2025
1.02%	Target <=	1.00-2.00%	1.00-2.00%	1.00-2.00%	1.00-2.00%	1.00-2.00%	2.0%





Stakeholder Discussion

Are the targets achievable
and rigorous?

Are the targets too high, too
low or just right?





Share Your Voice in our Online Survey



Each SPP Indicator has an online survey to collect input on NYS's target-setting and/or improvement activities

The online surveys are intended to collect feedback from interested stakeholders. They are available for those who are not attending a virtual meeting or for those who have additional information to share beyond the virtual meetings

Please visit the [SPP/APR webpage](#) to submit your survey





THANK YOU FOR YOUR CONTRIBUTION

Your Voice is Important to
New York State's Efforts to
Improve Outcomes for our
Students with Disabilities

