



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

Individuals with Disabilities  
Education Act (IDEA)



**IDEA STATE  
PERFORMANCE  
PLAN  
STAKEHOLDER  
ENGAGEMENT**



**Indicator 16 Mediation**



# INDICATOR #16



Percent of mediations held that resulted in mediation agreements.



# Agenda for SPP Indicator 16



# Thank you for participating today!

*Today participants will....*



1. Increase understanding of Indicator 16 and how New York State (NYS) measures and collects this data.
2. Increase understanding of current information and trend data regarding NYS progress in meeting SPP 16 targets and state and national comparisons.
3. Increase understanding of current and suggested improvement strategies to increase the percent of mediations held that result in mediation agreements.
4. Review and obtain comment on proposed targets for the FFY 2020-2025 SPP/APR.



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# Introduction



# Frequently Used Terms



Term	Description
State Performance Plan (SPP)	A six-year plan that the United States Department of Education requires each states 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 16	SPP Indicator 16 measures percent of mediations held that resulted in mediation agreements.
Mediation	Special education mediation is a voluntary process in which parents of students with disabilities and school district personnel meet with a specially trained, impartial individual (i.e., a mediator) to resolve disputes in a collaborative way.
Mediator	A specially trained, impartial individual who is not employed by the school district or by NYSED and is a volunteer who receives special training to facilitate the mediation process.
Mediation Agreement	Following mediation, any agreement reached is documented in writing by the mediator, signed by both parties and subsequently implemented. A written, signed mediation agreement is legally binding and enforceable in any State or district court of the United States.
Due Process Hearing/Impartial Hearing	An impartial hearing is a formal process in which the parties (i.e., parents and school district) present their case and present evidence before an impartial hearing officer (IHO) who issues a written decision.





# Establishment of Procedures for Mediation



Each school district must ensure that procedures are established and implemented to allow parties to resolve disputes involving any matter for which an impartial due process hearing may be brought through a mediation process, including matters arising prior to the filing of a due process complaint notice.



# Key Information Regarding Mediation



1. Mediation is voluntary; both the district and parent must agree to use mediation.
2. Mediation is provided at no cost to the parents and school district.
3. New York State (NYS) Education Law requires that mediations be conducted by mediators from the Community Dispute Resolution Center (CDRC). The 21 CDRCs are nonprofit, independent agencies serving each of the 62 counties in the State. The CDRCs are overseen by the NYS Unified Court System Office of Alternative Dispute Resolution and Court Improvement.
4. All conversations that occur during the mediation process are confidential. Mediation conversations cannot be used as evidence in any subsequent due process hearing or civil proceeding.
5. In mediation, the focus is on establishing collaboration and communication between the parties.
6. Mediation is often a less adversarial and less time-consuming way of resolving special education-related disputes.
7. The parties have the flexibility to devise their own solutions which may result in greater satisfaction, commitment and ownership of the agreement.





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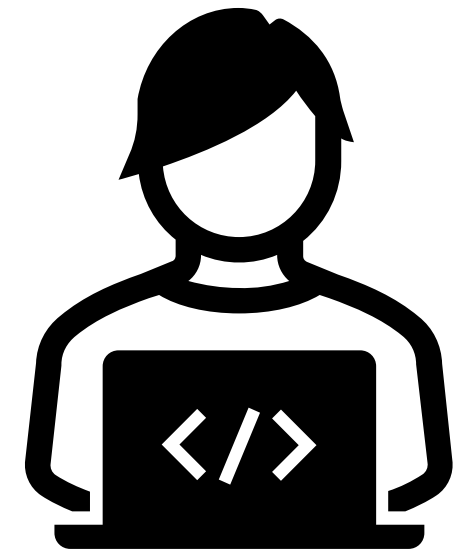
## Goal #1:

Increase understanding of Indicator 16 and how New York State measures and collects this data.



## Source of Data

- Data is collected from the Community Dispute Resolution Centers (CDRCs) by an outside contractor.
- Data is then entered into the New York State Education Department's Special Education Data (SED) Monitoring Data Base by the contractor for the school year (July 1-June 30).



# How We Measure Indicator 16

<p><b>Numerator:</b> (2.1(a)(i)) Mediation agreements related to due process complaints + (2.1(b)(i)) Mediation agreements not related to due process complaints</p>	$\div$	<p><b>Denominator:</b> (2.1) Mediations held</p>	$\times 100$	<p>= Percent of mediations held that resulted in mediation agreements.</p>
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- **Measurement:** Percent = (2.1(a)(i) + 2.1(b)(i)) divided by 2.1 times 100.
- **Data Includes:**
  - (2.1): Mediations held
  - (2.1(a)): Mediations held related to due process complaints
  - (2.1(a)(i)): Mediation agreements related to due process complaints
  - (2.1(b)): Mediations held not related to due process complaints
  - (2.1(b)(i)): Mediation agreements not related to due process complaints

## Indicator 16 Measurement for the 2019-20 School Year

<p>13 mediation agreements related to due process complaints + 97 mediation agreements not related to due process complaints</p>	$\div$	<p>132 mediations held</p>	$\times 100$	<p><b>83.33%</b></p>
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# Stakeholder Discussion

Check for understanding:

Are there any questions about the SPP measurement for Indicator 16 and how the data is used to measure results or outcomes?





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# The Data



## Goal #2:

- Increase understanding of current information and trend data regarding NYS progress in meeting SPP 16 targets
- Review state and national comparisons





# Explanation Indicator 16 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 16 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

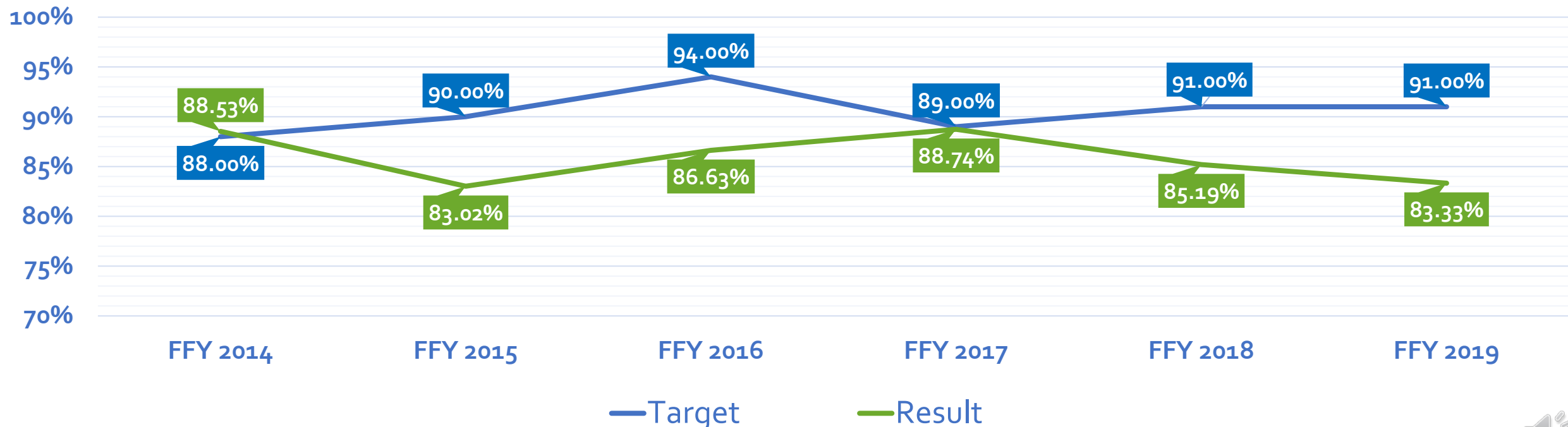


# Indicator 16: Mediation Agreements

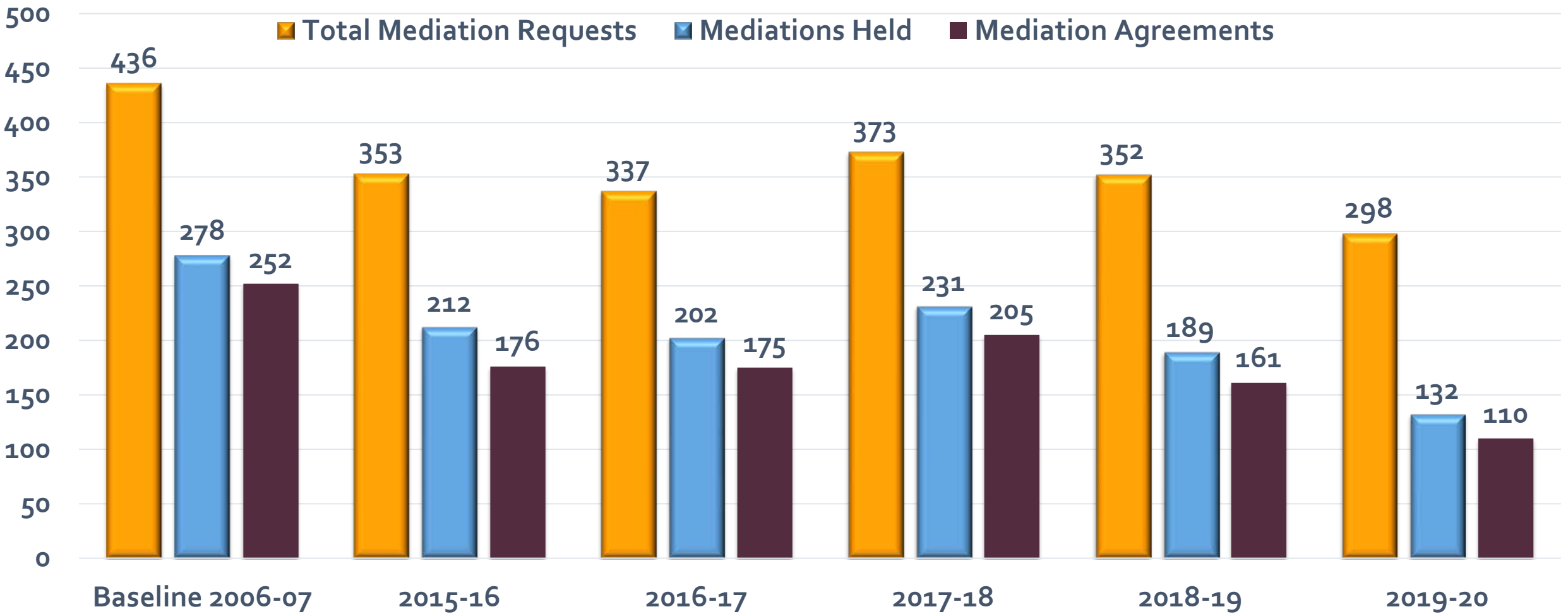
## Trend Data FFY 2014 – FFY 2019

Indicator 16 Trend Data

Baseline Data 2006	FFY	2014	2015	2016	2017	2018	2019
90.64%	Target <=	88.00%	90.00%	94.00%	89.00% - 92.00%	91.00% - 95.00%	91.00% - 95.00%
	Data	88.53%	83.02%	86.63%	88.74%	85.19%	83.33%

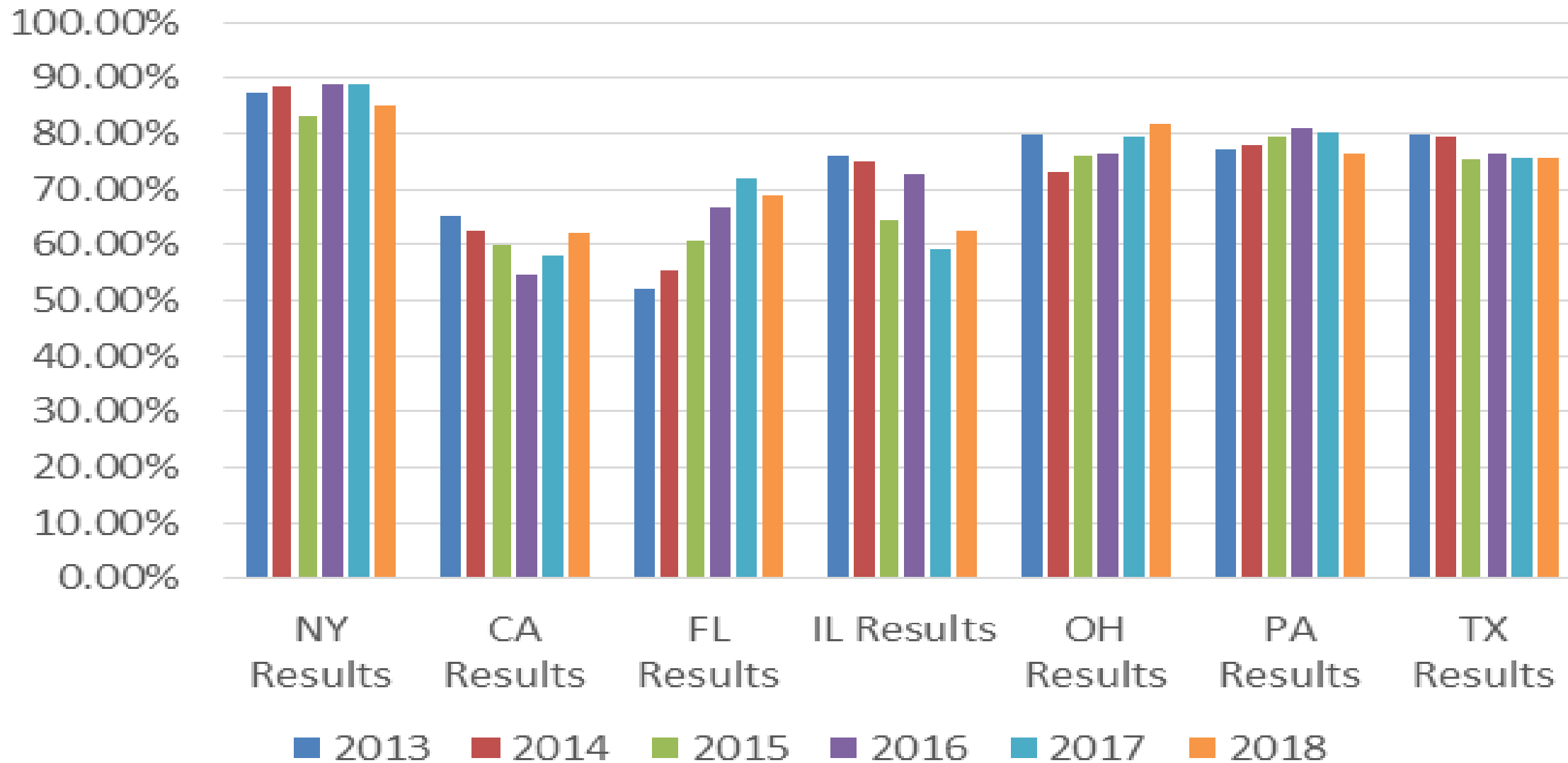


# Percent of Mediation Sessions Resulting in Mediation Agreements to Resolve the Dispute





# 7-PAK State Comparison of Results Achieved for Mediation



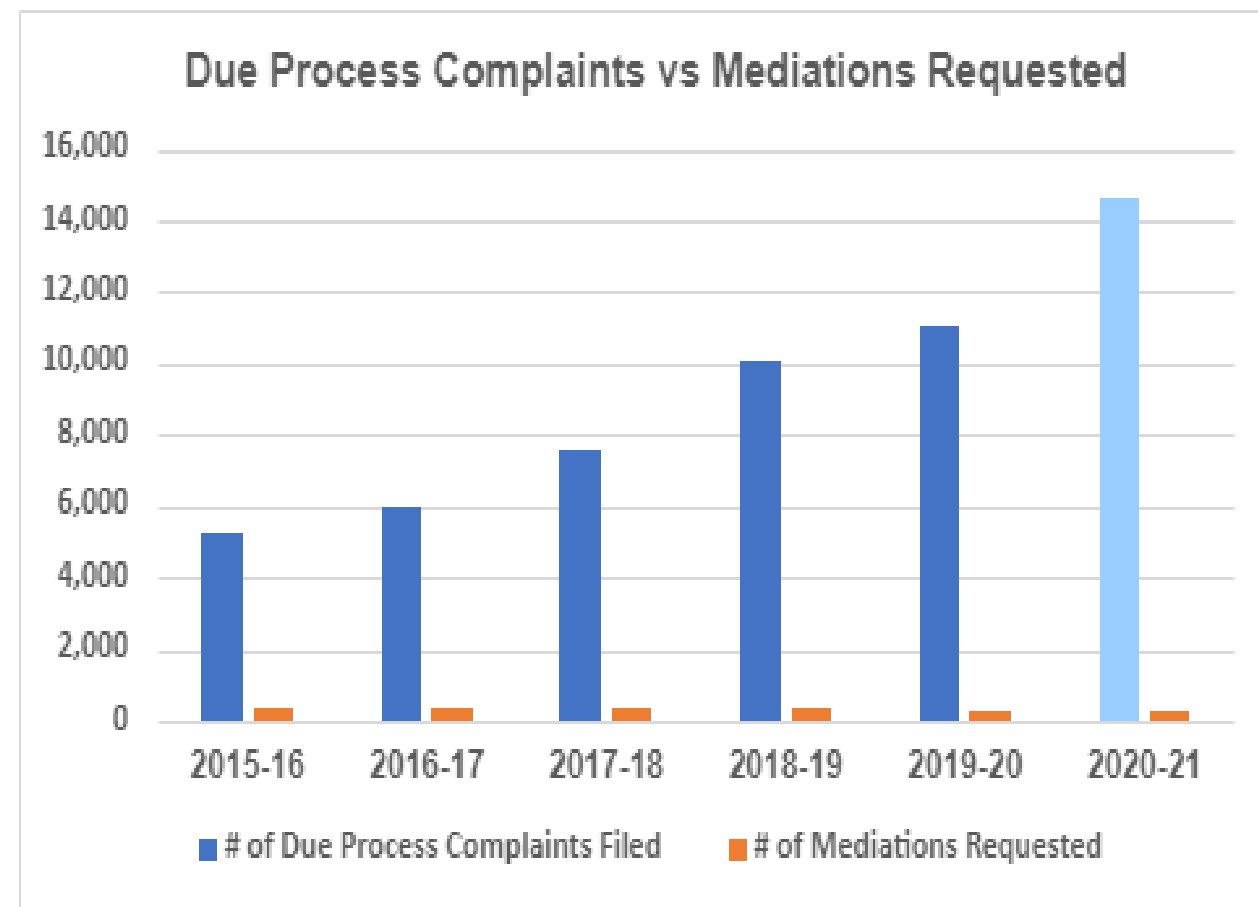
# 7-PAK State Comparison 2018 FFY

	<b>Mediations Requested</b>	<b>Mediations Held</b>	<b>Mediation Agreements</b>	<b>Percent of Mediations Held That Resulted in Mediation Agreements</b>
New York	352	189	161	85%
California	4,931	2,742	1,704	62%
Florida	82	42	29	69%
Illinois	371	278	179	64%
Pennsylvania	350	158	121	77%
Texas	422	223	169	76%
Ohio	193	159	130	82%



# NYS Due Process Complaints Filed vs Mediations Requested

School Year	# of Due Process Complaints Filed	# of Mediations Requested
2015-16	5,305	353
2016-17	6,027	337
2017-18	7,601	373
2018-19	10,071	352
2019-20	11,068	298
2020-21	14,624	249



# Issues being referred for special education mediation Statewide: 2019-20 School Year

Mediation Issues SY 2019-20	NYC only issues	Districts outside of NYC issues
Bilingual/Monolingual	0	0
Classification	3	7
Communication	11	4
Discipline	3	1
Evaluation	17	5
IEP Program	75	23
Other Reimbursement	3	2
Other Unspecified	33	11
Tuition	0	1
Placement	12	12
Transportation	3	1



# Mediation Agreement Rates in New York City (NYC) vs. Districts Outside NYC



School Year	NYC Mediation Meetings Held	NYC Held - Agreements Reached	NYC % Success	Other Districts Mediation Meetings Held	Other Districts Held - Agreements Reached	Other Districts % Success
2017-18	127	113	88.97%	104	93	89.42%
2018-19	119	105	88.23%	70	60	85.71%
2019-20	97	83	85.56%	35	30	85.71%





# National Mediation Agreement Rate

USDOE 2020 Part B FFY2018 SPP/APR Indicator Analysis Booklet p. 125

<https://sites.ed.gov/idea/files/PartB-IndicatorAnalysis-FFY2018.pdf>



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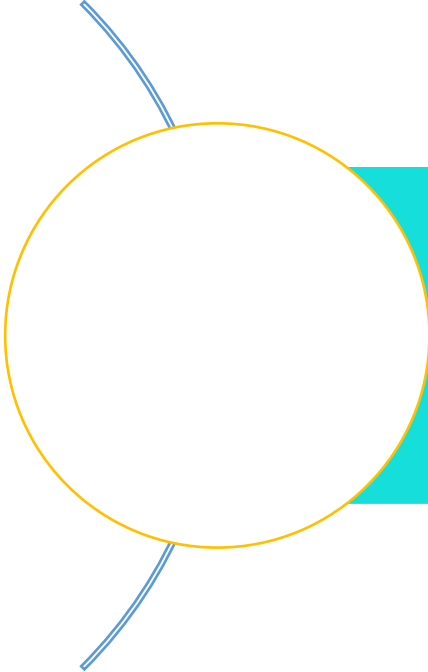
Statistic	FFY 2013	FFY 2014	FFY 2015	FFY 2016	FFY 2017	FFY 2018
<b>Average</b>	77%	77%	74%	73%	69%	76%
<b>Highest</b>	100%	100%	100%	100%	100%	100%
<b>Lowest</b>	0%	0%	0%	0%	0%	0%
<b>No Data</b>	8	7	7	6	8	7
<b>New York State Data</b>	<b>87.10%</b>	<b>88.53%</b>	<b>83.02%</b>	<b>86.63%</b>	<b>88.74%</b>	<b>85.19%</b>



# Stakeholder Discussion

- 1) What did the Indicator 16 SPP data tell us?
- 2) How should we use the data to inform our target-setting and improvement activities?



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# Improvement Activities



## Goal #3:

Identify current and proposed improvement strategies for Indicator 16.



# Current Improvement Activities

- To increase the awareness and use of mediation across the State, the New York State Education Department (NYSED) recently awarded two contracts to promote the use of mediation, provide rigorous training to mediators on special education, collect and report mediation data and provide reimbursement for the cost of mediations held across the State.
- Outreach efforts have shifted to a systemic approach, in conjunction with the use of State-wide data to pinpoint regions/specific areas in need of supports.
- Through a May 2019 Comprehensive Compliance Assurance Plan (CAP) developed for the New York City Department of Education, the district has identified a plan for the increased use of mediation.
- In collaboration with its contractor, NYSED has recently developed an updated brochure on mediation



## Current Improvement Activities (Con't.)

The Office of Special Education provides guidance and resources on effective Mediation which include:

- [General information regarding mediation](#)
- [A sample mediation request form](#)
- [Mediation Questions and Answers](#)
- [Mediation Brochure](#)
- [Procedural Safeguards Notice](#)



# Proposed Improvement Activities



1. Allow attorney fees to be mediated;
2. Allow co-mediation as a training tool for new special education mediators;
3. Extend stay-put protection to mediation;
4. Re-evaluate requiring that disputes at the sub-committee level must be heard at the committee level prior to being able to engage in mediation;
5. Revise the legal requirement that an Individualized Education Program (IEP) be amended by a committee on special education or committee on preschool special education when a mediation agreement is reached;





## Proposed Improvement Activities (Con't.)

6. Re-evaluate the types of data collected to better serve the Community Dispute Resolution Centers (CDRC's) performance and lead to more focused training opportunities;
7. Provide training to district Committee on Preschool Special Education (CPSE) and Committee on Special Education (CSE) Chairpersons on the use of Mediation as a dispute resolution option;
8. Provide training to parents, parent advocates and districts on the requirements and benefits of mediation.







# Office of Special Education Educational Partnership Tiered Support & Professional Development



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12 Regional  
Partnership Centers

14 School-Age Family  
and Community  
Engagement Centers

14 Early Childhood  
Family and Community  
Engagement Centers

## Systems Change Work Providing a Variety of Supports to Educational Organizations in New York State

**1** Regional Learning

**2** Targeted Skills/Support Groups

**3** Support Plans



# Expected Outcomes of Proposed Improvement Activities

- An increase in the number of mediations requested, held and ending in agreement.
- An increase in the quality of mediations held.
- An increase in the depth of knowledge on the part of the Special Education Mediator.
- An increase in promotion and use of mediation as an early dispute resolution option by districts and parents.
- A decrease in the number of due process complaints filed.



# Stakeholder Discussion

What activities could be considered, maintained, or strengthened to address improvements in Indicator 16?



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# Target Setting



## Goal #4:

Review proposed SPP Indicator 16 targets for the FFY 2020-2025 SPP/APR.



# Proposed Indicator #16 Targets 2021-2025



<b>Baseline</b>	<b>2006</b>	<b>90.64%</b>
	<b>2019</b>	<b>83.33%</b>

<b>Baseline Data 2019</b>	<b>FFY</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>	<b>2024</b>	<b>2025</b>
<b>83.33%</b>	<b>Target &lt;=</b>	<b>83%</b>	<b>83%</b>	<b>85%</b>	<b>85%</b>	<b>88%</b>	<b>88%</b>



# Stakeholder Discussion

**Targets must show improvement over baseline and be rigorous but achievable.**  
**Do you feel that the proposed targets are 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

