

Timely Hearing Adjudication

Michigan's State Performance Plan
Indicator 17

www.michigan.gov/ose-eis

Timely Hearing Adjudication Matters for Students With Disabilities

- ⌚ Timely adjudication of due process hearings ensures that disputes are resolved in a timely manner and students receive appropriate programs and services.
- ⌚ Impartial due process hearings ensure that the concerns of all parties are equitably addressed and resolved.

Reporting Requirement: Timely Hearing Adjudication

Indicator 17 is a compliance measure. The United States Department of Education, Office of Special Education Programs (OSEP) has determined the targets for all compliance measures in the State Performance Plan (SPP). This particular compliance indicator target is preset at 100 percent, as represented in the reporting requirement below.

Indicator 17: Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party.

(20 U.S.C. 1416 (a)(3)(B))

Timely Due Process Hearings in Michigan

Federal fiscal year (FFY) 2006* was the first year the Michigan Department of Education (MDE) utilized a single-tier due process complaint/hearing system.

- Pursuant to an Interdepartmental Agreement with the State Office of Administrative Hearings and Rules (SOAHR), hearings are conducted by administrative law judges (ALJs) who are hired and supervised by the SOAHR.
- The Office of Special Education and Early Intervention Services (OSE/EIS) and the SOAHR collaborate for initial and on-going training of ALJs.
- The OSE/EIS has appointed an Acting Due Process Coordinator to serve as a liaison with the SOAHR to ensure adherence to state and federal special education rules and regulations.
- The Interdepartmental Agreement is reviewed at least annually and revised as needed.

*FFY 2006=July 1, 2006 to June 30, 2007

Michigan's Commitment to Education

Since 2000, the OSE/EIS has been engaged in a continuous improvement cycle to develop effective processes to ensure that both the requirements and the intent of the *Individuals with Disabilities Education Act* (IDEA 2004) are implemented and met. The changes to the due process hearing system are an example of the improvement efforts OSE/EIS continues to make.

Defining Dispute Resolution

Effective General Supervision

Each state must ensure that school districts and other publicly funded educational agencies in the state comply with the requirements of the IDEA 2004 and its implementing regulations. Both state and federal law require local school districts to provide appropriate special education and related services. When disputes arise between parties, it is imperative that an impartial system is available to resolve disputes in a timely and equitable manner.

Michigan's Performance

Measurable and Rigorous Targets

Indicator Components	FFY 2005 Data	FFY 2006 Target	FFY 2006 Data	FFY 2006 Target Status
Percent of fully adjudicated due process hearing requests that were fully adjudicated within the 45-day timeline or a timeline that is properly extended by the hearing officer at the request of either party	100% 9 of 9 cases	100%	83% 5 of 6 cases	Target Not Met*

*Note: There were fewer than ten hearings fully adjudicated.

Explanation of Progress or Slippage That Occurred for FFY 2006

Six complaints were fully adjudicated. A full due process hearing was conducted and a decision issued by an ALJ in five cases within the 60-day timeline or with a permissible extension. In one case, the hearing was conducted within the extended timeline, but the written decision was issued beyond the extended timeline.

Additional Data

Table 1: Analysis of Due Process Hearing Data for FFY 2005 and FFY 2006

	2005	2006
(3) Number of Hearing Requests ¹	116	77
(3.1) Resolution Sessions	77 of 116=65%	64 of 77=83%
(3.2) Hearings Fully Adjudicated	9 of 116=8% of hearings requested	6 of 77=8% of hearings requested
(3.2.a) Adjudicated Within 45 Days	3 of 9=33%	0 of 6=0%
(3.2.b) Adjudicated Within Extended Timeline	6 of 9=67%	5 of 6=83%
(3.2.a) + (3.2.b)	9 of 9=100%	5 of 6=83%
(3.3) Resolved Without Hearing	83 of 92=90%	52 of 58*=90%
(4) Expedited Hearing Requests	5 of 116=4%	15 of 77=19%
Pending Cases as of June 30, 2006 and 2007 Respectively	24 of 116=21%	19 of 77=25%

Source: Michigan Complaints and Hearings Database

¹Parents now file a "due process complaint" per IDEA 2004 language, which is synonymous with Hearing Requests as referenced in this SPP indicator.

*Note: 77 hearing requests minus 19 hearing requests pending= 58 concluded hearing requests; 52 of the 58 concluded hearing requests were resolved without a hearing=90 percent.

For More Information

Policy and Guidance Updates - Building the Legacy: IDEA 2004
<http://idea.ed.gov>

Michigan Department of Education, Office of Special Education and Early Intervention Services (MDE, OSE/EIS)
www.michigan.gov/ose-eis

Michigan Department of Education, Office of Administrative Law (MDE, ADLAW)
<http://web1mdcs.state.mi.us/NXT/gateway.dll?f=templates&fn=default.htm&vid=mdoeal:public>

State Office of Administrative Hearings and Rules (SOAHR)
www.michigan.gov/cis/0,1607,7-154-10576_35738---,00.html

Michigan Can Improve

-  Develop common expectations for diligent and prompt attention to completion of due process hearing activities among ALJs, hearing participants, and stakeholders.
-  Revise due process complaint procedures as needed to reflect new single-tier due process.
-  Revise and disseminate a Michigan special education due process frequently asked questions document.
-  Revise roles and responsibilities of OSE/EIS due process complaint coordinator as needed.
-  Create and disseminate a due process complaint procedures document to reflect new single tier due process complaint system and IDEA 2004 regulations.

Michigan's complete State Performance Plan (SPP) and Annual Performance Report (APR) can be viewed and downloaded at:

www.michigan.gov/ose-eis